

**Neighborhood Notification**  
**Open House Information**  
**Citizen Comments**  
**Affidavit of Posting**  
**Site Sign**  
**Legal Protest**



# REQUEST TO SPEAK

8

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.

Public testimony is limited to three (3) minutes per speaker.

Additional time **MAY** be granted to speakers representing two or more persons.

Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) CHRIS IRISH MEETING DATE 12/7/17

NAME OF GROUP/ORGANIZATION (if applicable) SCOTTSDALE PUBLIC ART ADVISORY BOARD

ADDRESS 2055 N. PIMA ZIP \_\_\_\_\_

HOME PHONE 480-710-9584 WORK PHONE \_\_\_\_\_

E-MAIL ADDRESS (optional) \_\_\_\_\_

I WISH TO SPEAK ON AGENDA ITEM # 8  I WISH TO DONATE MY TIME TO \_\_\_\_\_

I WISH TO SPEAK DURING "PUBLIC COMMENT"\* CONCERNING \_\_\_\_\_

\*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

**This card constitutes a public record under Arizona law.**

**Request to Speak cards must be submitted to City Staff before public testimony begins on that item.**

**HOW TO ADDRESS THE BOARD AND COMMISSION:**

- The Chair will call your name when it is your turn to speak.
- Approach the podium and state your name and address for the record.
- Groups wishing to speak are encouraged to select a spokesperson to represent the views of the group.
- Public testimony is limited to three minutes per speaker. *(At the Chair's discretion, speakers representing two or more persons may be granted additional time.)*
- A timer light, located at the podium, will help you to time your comments.
  - o A green light indicates the timer has been activated.
  - o A yellow light indicates there is one minute remaining.
  - o A red light indicates the comment period has ended.

**WRITTEN COMMENTS:** Citizens who do not wish to address the Board and Commission in person may submit written comments by completing a yellow Written Comment card. Written Comment cards are available throughout the Kiva Forum and at the Staff table.

## PUBLIC HEARING NOTICE

**REQUEST:** This is to inform you of a request for approval of site improvements for Marshall Way public art entry feature including landscape, hardscape, and lighting.

**CASE#:** 15-DR-2017

**DATE:** July 6, 2017

**HEARING DATE SUBJECT TO CHANGE**  
\*Always verify the hearing date, time, and location.

**480-312-7000**  
June 27, 2017

UNLESS OTHERWISE NOTIFIED, ALL PUBLIC HEARINGS ARE HELD AT:

SCOTTSDALE CITY HALL

3030 N. BRIMMINGTON BLVD.

YOUR COMMENTS ABOUT THIS REQUEST

SHOULD BE MADE PRIOR TO OR AT THE ABOVE

PUBLIC HEARING.

IF YOU DESI TO SPEAK AT THIS MEETING,

DES.  
17-3001

## Marshall Way Public Input Process Results - September 2016

83 surveys returned.

78 express support of the public art project.

6 speak against the project.

Flier/posters informing residents, property owners, and property managers were delivered by hand to all the businesses/entities within a 750' radius of the project location. These fliers/posters encouraged folks to come by an open house hosted by Scottsdale Public Art on Marshall Way and Fifth Ave to view the proposed sculpture by John Randall Nelson and give their input by completing the survey.

Examples of the flier/poster is included, as well as a blank copy of the survey instrument and all the completed surveys.

# Scottsdale Public Art Invites Community Input

## Marshall Way Public Art Project Sculpture Design Open House



*Photo: Street view of Marshall Way Public Art Project location.*

Scottsdale Public Art invites community members to attend the Marshall Way Public Art Project Open House to preview and comment on the proposed design by local artist John Randall Nelson, to be located at the intersection of Marshall Way and Indian School Rd.

### **Marshall Way Public Art Project Open House**

**7051 E. Fifth Ave., Scottsdale, AZ 85251**

**Thursday, Sept. 22: 6 – 9 p.m.**

**Friday, Sept. 23: 4 – 7 p.m.**

**Saturday, Sept. 24: Noon – 3 p.m.**

The input gathered during the Open House will be taken into consideration by the Scottsdale Public Art Advisory Board and the City of Scottsdale Development Review Board. Input from the community is vital during this stage of the design process as the Public Art Advisory Board considers approval of the design and the Development Review Board reviews the application as part of the city's planning process.

**Visit [ScottsdalePublicArt.org](http://ScottsdalePublicArt.org)  
for more information.**

**arts** scottsdale  
**scottsdale** public art



# SURVEY

*Our Future in Progress*



Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale? Not only does this sculpture have historic implications but also adds a playfulness, that I think would attract and draw viewers to come closer to check out the work and the area.
  
- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other? Yes, for the reasons mentioned above.
  
- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors? The fact that it is an animal that we all relate to and I particularly respond to the scale of the proposed sculpture.
  
- 4) Please share any other thoughts.... Perhaps it is required that you are a local artist, but if not, the fact that John Nelson is local and involved in the community, I think is an important factor.



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale? WHY A RABBIT IT JUST SEEMS CHEEZY. IT WILL BE HOT AS HELL TO THE TOUCH FOR KIDS ETC.
  
- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?
  
- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?
  
- 4) Please share any other thoughts....  
LETS SEE OTHER DESIGNS

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).

15-DR-2017  
11/13/17



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

IT DOES NOT FIT OR ENHANCES  
OUR STREET.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I DO NOT SEE THE CORRELATION BETWEEN  
A JACKRABBIT & MARSHALL WAY.  
OR HOW IT WILL DRAW MORE PEOPLE  
TO THE ENTIRE STREET.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

SORRY ... NONE!!

- 4) Please share any other thoughts....

BACK TO THE DRAWING BOARD!

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Awful!!!

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

No!

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

None

- 4) Please share any other thoughts....

With all the submissions, the Scottsdale Public Art Committee certainly could have chosen a more aesthetically sculpture for this area!

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

CLASHES! IF THIS BECOMES REALITY, PUTTING UP A PIRD  
 OF IT WITH ED MULL'S HORSE THE LOVE, ANY OF  
 THE OTHERS - IT WOULD REGLADE THE PUBLIC  
 ART HERE!

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

ZERO/RIP/NO - WHAT DOES A JACK RABBIT HAVE TO DO  
 WITH THE HISTORY OF MARSHALL WAY?

FUTURE? JACK RABBIT? WHO PICKED THIS ARTIST???

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

LACKING STOCK! SOMETHING TO WATCH AT!

IS THAT WHAT YOU WANT?!

- 4) Please share any other thoughts.... THE ARTIST ADMITS THAT THE CONCEPT  
 OF THE JACK RABBIT CAME WHILE HIKING IN THE DESERT, THIS  
 IS A CITY!! WHAT DOES A JACK RABBIT HAVE TO DO WITH  
UPSCALE SCOTTSDALE? I'VE SAT ON 3 PUBLIC ART COUNCILS  
 IN 2 OTHER STATES - THIS IS B.S.!  
 THE ARTIST HAS NOT TRIED CONSIDERED THE HISTORY OF  
 THE CITY AT ALL.

Thank you for spending time to give us your thoughts!

You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).

## **Kevin Vaughan-Brubaker**

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**From:** Greenrock <greenrock@erikssons.com>  
**Sent:** Friday, September 23, 2016 2:45 PM  
**To:** Kevin Vaughan-Brubaker  
**Subject:** Marshall Way Sculpture Design

Marshall Way Public Art Project Sculpture Design

September 23, 2016

Attention: Kevin Vaughan-Brubaker, Public Art Project Manager, Scottsdale Public Art  
email to: [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).

It was nice talking with you last night at the Scottsdale Art Project Open House for the new Art for Marshall Way and Indian School Road project.

However I am strongly **against this design** to be placed here and do not see how this will **"revitalize the downtown area"**

As I mentioned to you I have had my Jewelry Store business in the downtown Scottsdale area for 33 years, so I am familiar with a lot of the problems shop owners and property owners are faced with.

In 1983 I opened a retail Jewelry store at 6928 E. 5<sup>th</sup> Avenue, and for 7 years, wonderful people walked up and down 5<sup>th</sup> Avenue and enjoyed the shops. Good business for everyone.

Then the city of Scottsdale put in the traffic light at Goldwater and 5<sup>th</sup> avenue and cut off all the foot traffic west of the light. Shoppers came to the stop light, crossed the street back to 5<sup>th</sup> Ave and walked back down to Scottsdale Road, forcing us to move our Jewelry store, as no clients.

Then we moved to what was supposed to be the best place in Scottsdale to have a retail store and that was 4225 N. Marshall way. 2 years there and so happy the lease ended. No business at all. What was wrong with Marshall Way then is still probably wrong today.

1. Limited parking was a big complaint. My wealthy ladies from Paradise Valley would make one trip around the block and if no parking was available in front of the store they were gone for that day. They would walk a few parking places, but not a block.
2. East side of the street, extremely hot in the afternoons and impossible to keep the shop cool, so the ladies would come in and leave just as quickly.
3. Everyone thought the ART WALK was the answer and so much fun, only for the people walking it, for the store owner a lot of time and work and very little in return, even today. The galleries on Main Street sell very little on an ART WALK.
4. In the 2 years of Art Walks on Marshall Way, I never sold one item on Art Walk. We served a lot of wine and crackers to winter visitors, everyone loved all the jewelry but NO SALES!

My next store was at 4158 Goldwater Blvd and it was a nice place until the city of Scottsdale decided to increase Goldwater Blvd to 4 lanes and took away the street parking. Now where do they think your customers could park and come into your store? Same problem, the wealthy clients do not want to walk a block to your shop, so again shop owners loose out and I was forced to move again.

The last move for my jewelry store was to where I have been for the last 20 years at 7041 and 7037 E. 1<sup>st</sup> Avenue. Directly across the street and a short block from where the "big bunny" is proposed to be.

My plan on this move was to also have my store up front on 1<sup>st</sup> Avenue and to be able to live on my property in the back residence, which was built and completed in 2008. So this is my store and my house; also on the property I have 3 commercial business tenants and a vacation rental unit. So all of what happens in the downtown area is of great interest to me.

The "big bunny" would be fine, but not on Marshall Way. Have Mr. Nelson build it for "The Desert Botanical Gardens" a place for families and kids to enjoy it.

It may be difficult, as your letter suggests that and "an enhancement in an attempt to revitalize the downtown area" will succeed. The potential client/buyer/shopper for Marshall Way, 1st Avenue and Main Street, will not be attracted by a "big bunny". In fact, I think the opposite will happen. This elite buyer will see the "big bunny" and think it is a place for children and families and **"GO AWAY"**. Just opposite of what you are trying to accomplish.

The clients I want and what the galleries want are wealthy client that can spend whatever they want on anything. This is the same client that could walk in to a gallery and spend \$5000. on a painting or bracelet. If that client were still going to Marshall Way, and buying art, then the buildings would be full and not empty as they are now.

So why waste \$130,000. to attract kids and families to an area that was once high end shops. This will not bring clients that are needed back to Marshall way, What is needed is a something that will inspire out of town clients to say " Let's check it out, maybe some interesting shops down here". But first you have to get business in the empty buildings so they have something to look at.

Sincerely,

Jimmy Eriksson  
J. Eriksson's Jewelers  
7041 E. 1<sup>st</sup> Avenue  
Scottsdale, AZ 85251

480-941-1414

greenrock@erikssons.com



# SURVEY

*Our Future in Progress*



Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I'm 25 and have lived here for 2 years. Scottsdale in this area is a fun place to live with museums and shops and clubs. I think it fits in really well here.

2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I don't know what the history of Marshall Way is. The sculpture that is here is mostly old and dated. It represents a history that I doubt ever existed, some sort of "manifest destiny" ideal.

3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

It is an ~~installation~~ installation that will be a landmark, a ~~history~~ HAPPY landmark. Also, it has a contemporary edge to it.

4) Please share any other thoughts....

The horses ~~sculpture~~ sculpture looks like it belongs in front of a kitsch hotel in Vegas or in front of Trump Tower.

Thank you for spending time to give us your thoughts!

You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

The unique character of Scottsdale is represented by it's unique artists. We at Gebert Contemporary have represented John's work for 15 years.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Nelson's art is collected by many of our Scottsdale clients. He has continued to evolve his visual vocabulary... keeping his production fresh and always suprizing. This piece is a excellent example of that.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

I see this project as a continuation of Scottsdale's commitment to contemporary art. It is an excellent addition to the city's growing public art collection.

- 4) Please share any other thoughts....

Nelson's first show was at Charser Gallery in 1987 (on Marshall Way), John was an MFA student at ASU. Since then he has shown at Bentley Gallery, Vanier Gallery and Joanne Ropp...  
He has always been productive and active here.

Thank you for spending time to give us your thoughts!

You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).

Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

This Jack Rabbit is a perfect fit for Scottsdale....  
artsy.... young.... fresh.... new and its a rabbit  
(Not a horse, Indian or cowboy!) A new icon for a  
great city!

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

The history of Marshall Way is about  
arts; crafts, galleries and artists, the eclectic and  
contemporary art shown on Marshall Way over the  
years is well represented by this contemporary  
artwork

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

This artwork is a natural  
attraction for a photo opportunity... my kids will  
want to stop and take a shot of themselves  
at the white rabbit sculpture.

- 4) Please share any other thoughts....

Kids love rabbits.. they just do!



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

The artwork shown at the galleries of Marshall Way has always been contemporary, often whimsical and fanciful. So this piece fits in well here.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

See answer for #1 above.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

I see this piece as a totem, an eye catching art sculpture that will become a beloved symbol of the city.

- 4) Please share any other thoughts....

It's important to keep the project local. And to represent a popular Scottsdale artist. Plus it's really cool!

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



# SURVEY

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I love the contemporary nature of the sculpture and the whimsy,

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

I really like the scale of the sculpture! The height of it will draw attention to the corner and balances nicely with the fullness of the trees behind it. I imagine my kids climbing on the tall and playing around it.

- 4) Please share any other thoughts....

I wonder if another color rather than white would be more exciting?

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).

## **Kevin Vaughan-Brubaker**

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**From:** Stacy Barr <stacycakes63@hotmail.com>  
**Sent:** Tuesday, September 27, 2016 1:46 PM  
**To:** Kevin Vaughan-Brubaker  
**Subject:** John Randall Nelson - Black Tailed Jack

1) Thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I love this! Nelson's proposed Black Tailed Jack ENHANCES a more modern side of Scottsdale (vs the drab and dated "West's Most Western Town")  
and will attract all ages and promote Marshall Way as a progressive part of Old Town.

2) Is the proposed design a successful solution to both considerations etc...

YES! The Jack Rabbit is the Arizona desert. The design is in line with the progressive development happening around town.

3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

I've worked in Old Town Scottsdale for 20 years now. Marshall Way was booming back then. Not only would the sculpture compel visitors to hit the Marshall Way seen but also draw gallery owners and retailers. I send people to Marshall way daily and would encourage them to look for Black Tailed Jack.

4) Other thoughts...

John's work is witty, charming, perfectly executed and people get it! There will be an endless number of photos of people from all over the world taken next to Black Tailed Jack!

Sent from Outlook



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

*It relates to old town Scottsdale with the rabbit / old west / desert, while the ~~note~~ design brings it more into present day / future, as well as the materials and color choice.*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*I see the connection to the area, the excitement for the future... not sure of, maybe that's communicated with text or markings on the rabbit. It is definitely strong in the connection to the past, but I have no doubt that the artist can make more of a connection to the future.*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*It's friendly and inviting with the subject matter (rabbit) and the fact that the tail acts as a bench is lovely. I understand there may be text... which I'm curious about. I'd come back to see how the public is interacting.*

- 4) Please share any other thoughts....

*To keep me interested, I guess I'd want to see the finish change over-time... or something change slowly. Or maybe the text changes out.*

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

MODERN ART MIXED WITH THE DESERT HAVE TIES BEAUTIFULLY INTO THE SOUTHWEST (OLD WEST) FLAIR OF SCOTTSDALE. WHILE ARGUING WITH BOTH SOUTHWEST FLAIR AND STAYING TRUE TO THE DESERT, THE METAL SCULPTURE ADDS A MODERN ELEMENT WITH ITS SHAPE AND FORM, SPECIFICALLY THE STEEL MATERIAL WITH JAGGED EDGES. IT REMINDS ME OF THE WOOD ~~PIECE~~ <sup>PIECE</sup> THAT START OUT FLAT BECOMING A 3-DIMENSIONAL <sup>PIECE</sup>.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

AS MENTIONED ABOVE, I THINK THE ARTIST HAS CAPTURED A SOUTHWEST OR DESERT SUBJECT AND SCULPTED IT TO A MODERN SHAPE, STAYING WITH THE THEME OF SCOTTSDALE BUT ADDING ENERGY TO THE OLD SOUTHWEST FEEL. I PERSONALLY PREFER DOWNTOWN PHOENIX ART BECAUSE OF ITS BOLD ENERGY & WILLINGNESS TO TAKE RISKS, MOVING US FORWARD AS A CITY AND INJECTING A CREATIVE SPIRIT INTO ~~THE~~ OUR CULTURE.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

IT'S STRUCTURE, USE OF THE TAIL FOR A BENCH AND THE DESIRE TO SHOW OUR ABILITY AS A COMMUNITY TO SUPPORT LOCAL ARTISTS AND PUBLIC ART. THERE ARE SO MANY WONDERFUL ARTISTS IN THE GARDEN PHOENIX AREA. ~~AND OUR CITY~~ OUR CITY NEEDS MORE SIGNS OF NEW CREATIONS THAT STAY TRUE TO OUR THEMES AND HISTORY BUT ENLIVEN OUR STREETS THAT ARE SO NEW IN RELATION ~~THE~~ TO THE REST OF THE COUNTRY. I LOVE HOW THE SCULPTURE TAKES PIECES THAT COULD SLIDE TOGETHER TO CREATE SOMETHING OF DEPTH.

- 4) Please share any other thoughts....

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale? I think it fits really well with the energy and uniqueness of this area of Scottsdale. I think this proposed sculpture will create a great welcoming presence.
- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other? I think this design connects really strongly with both of these considerations and communicate positive energy for the future.
- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors? the scale of a giant fun black tail - Jack Rabbit will be a great place to take pictures.
- 4) Please share any other thoughts.... Not only is ~~this~~ this proposed sculpture really amazing but the Artist is a great person who deserves this project.

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



# SURVEY

Our Future in Progress



Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I believe John Randall Nelson's proposed sculpture would be an excellent iconic quality for this area of Scottsdale. Being a Native born Arizonan it would be an exciting piece to show off to incoming visitors from out of state. I love John's quality and gift in making works that give the viewer a sense of being young and full of energy.

2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

This Black Tailed Sable is a perfect idea for our beautiful desert ecosystem, it's an excellent connection to not only the history but the space we represent. John's unique talent to this native animal brings excitement to viewers of all ages.

3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The connection that John brings with this work captures the history and unique culture that exists here. This would be something that would compel me to bring visitors. John's energy is priceless!

4) Please share any other thoughts....

Please make John Randall Nelson's proposal happen!

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

*It would fit perfectly*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*Yes!*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*Design | Style | Perfection!*

- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

*I love it!*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*It would fit in with the area from what I've seen so far.*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*Love the quaint area.*

- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I think the artist's idea based on the jack rabbit is good... after I read his concept, I think that his story needs to be shared with the piece once it is built. He tells a VERY good story.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

more this, however, the jack rabbit is part of our desert history, possibly not the commercial history of Marshall Way, but maybe there is a history I need to learn.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

It is whimsical and looks inviting. I like the textures and the scale. But, please do use the artist's words that I read on the white sheet at this

- 4) Please share any other thoughts.... Presentation:

Artist's concept:  
History:  
statement:  
and

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

The Jack Rabbit is so significant to us in AZ.  
Love The Sculpture

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I Love The Design  
The Jack Rabbit is Very lively in my neighborhood  
it equates to The Energy in Downtown Scottsdale

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Love-Love-Love it!

- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale? *I think it will work in well*
  
- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other? *yes*
  
- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors? *great photo ops.*
  
- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

The sculpture enhances the artistic character of the area. It's fun, youthful, and playful. It brings a playful, energetic feel.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Yes, it connects to the history of Marshall as creative/artistic place and makes the area seem like a destination. It also connects to the western/cowboy history and desert environment.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

It's abstract and youthful, the form is unique

- 4) Please share any other thoughts....

It might be too tall, might not fit in photographs unless the viewer goes across the street

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Great Fit, Contemporary, whimsical,  
fit nicely in the ~~southwest~~ modern southwest  
theme

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Yes the rabbit looks as if it is ready to  
leap, forward, into the future

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The scale and materials along with the  
simple contemporary design with influences  
of traditional American Folk art

- 4) Please share any other thoughts....

Do it! Wonderful Public art!

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Adds to the arts district  
an Asset

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Connects an urban Element (Newhallway)  
with the natural Element (Sonoran Desert)

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

As above

- 4) Please share any other thoughts....

This Art project is an investment;  
Money well Spend

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Love it

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Both

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Size / Draws Attention to  
the area.

- 4) Please share any other thoughts....

John Madan  
3707 N. Marshall Way #2  
Scottsdale, AZ 85251

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

THIS RABBIT TAKES THE ALREADY EXISTING ANIMALS COLLECTION TO A NEW LEVEL. A THE LEVEL OF MODERN INTERPRETATION OF THIS

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

ORIGINAL ANIMAL WHICH WAS ALREADY HERE BEFORE HUMANS COVERED NATURE HERE WITH CONCRETE. TO ME THIS ODE TO THAT ANIMAL REPRESENTS THE RESPECT FOR ONE OF THE ORIGINAL

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

INHABITANTS.

COMING FROM BASEL, SWITZERLAND) THE TOWN ALSO OF JEAN TINGUELY, AN ARTIST WHO CREATED HUGE MACHINES FROM SCRAP METAL WITH MOVING ELEMENTS

- 4) Please share any other thoughts.... / SEE FAMILIARITIES AMONGST

BOTH ARTISTS. I'D LOVE TO SEE JOHN'S RABBIT AS A NEW LANDMARK TO THE ART'S DISTRICT HONI EDINGER

Thank you for spending time to give us your thoughts!  
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9/23/2016



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

*It fits with Scottsdale very well, so many jack rabbits!*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*Yes*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*Absolutely! I will show the sculpture to all my visitors!*

- 4) Please share any other thoughts....

*It looks futuristic & beautiful,*

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Fits well

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Yes

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Scale  
Simplicity

- 4) Please share any other thoughts....

WE NEED MORE  
Public Art

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THINK IT LOOKS COOL, DIFFERENT & PROVEATIVE. I LIKE THE WAIRMSY = THINK THE PINK COTTON CANDY COLOR IS THE WAY TO GO

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

YES, IT DOES THIS WELL, WHATEVER THE HISTORY WAS OR WILL BE!

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

I LIKE JOHN'S WORK AND HOW HE CONTINUES TO EVOLVE WITH DIFFERENT MEDIUMS & SUBJECT MATTER IS ENOUGH OF A REASON FOR ME TO SHOW FRIENDS - VISITORS TO THE AREA HIS WORK

- 4) Please share any other thoughts....

THANK YOU FOR ASKING FOR OUR INPUT. IT ALLOWS US NON-ARTISTS TO FEEL A PART IN THE DECISION & DIRECTION

Thank you for spending time to give us your thoughts!  
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*Rabbits are everywhere - but the Jack Rabbit is unique to the desert. The dynamics of a large plate steel sculpture fits well in Scottsdale's center which connects tradition with fine arts. Good for all ages.*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*Yes it connects!*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*Photo friendly for malows + a meeting place.*

- 4) Please share any other thoughts....

*John has his finger on the pulse of the direction public art is going.*

Michael Anderson

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Love the idea of a jackrabbit - it's a great way to reference AZ w/o using the usual clichés. It's easily accessible to everyone, but says 'art' at the same time

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

If Marshall Way = art galleries (my history), then yes, it is a successful solution. It is fun and energetic - It feels like it is going to take-off - a perfect metaphor.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

It is fun, inviting, unique, and kids can climb on it.

- 4) Please share any other thoughts....

It is a great complement to an area that can sometimes seem a bit pretentious and money-laden by not seeming to be either.

Thank you for spending time to give us your thoughts!  
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1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Draws people to it, whimsical, fun

2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Does it make or funk of the gallery art?

movement, leaning forward  
→ even more of a sense of movement would point to etch event.

3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Words on a story on the base or lower part of body would draw me back.

Interaction, → bench, ability to walk under, around.

4) Please share any other thoughts....

→ would like more than one, perhaps some smaller approaching the beacon  
→ would like gestural leaning - perhaps = paying up attention = engaged

Thank you for spending time to give us your thoughts!  
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THE CHARACTER - THE SCALE - FORMS ARE ALL GREAT AND WILL ADD A GREATER SENSE OF LIFE & ENERGY THAN THE MORE TRADITIONAL APPROACHES.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

YES - ALL GREAT & A WONDERFUL ADDITION

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

THE SCALE - THE FORMS - THE CONSTRUCTION - VERY IMAGINATED. I AM A BIG SUPPORTER OF THIS PROPOSAL!

- 4) Please share any other thoughts....

JOHN IS AN ESTABLISHED ARTIST WITH A LONG RECORD OF SUCCESS IN ALL OF HIS ENDEAVORS. I TOTALLY SUPPORT THIS PROJECT.

Thank you for spending time to give us your thoughts!  
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It is a reminder that a beautiful desert awaits citizens + visitors just beyond the commercial/business corridor

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I have written and published on the history of Scottsdale and Arcadia. This creature still inhabits residential areas as well as the desert zones. We love them! Such a whimsical & joyful addition to the street.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The almost origami-like design is a refreshing contemporary take on the creature. ~~The design is very~~

The references to cubism play well with some of the sleeker more contemporary buildings on the street.

- 4) Please share any other thoughts....

Nice to see AN AZ ARTIST + AZ business teamed up. DO IT!!

Thank you for spending time to give us your thoughts!  
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*I hope it would echo the history of the area of the Sonoran Desert in which we live.*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*More than another 'cowboy' or 'Arabian Horse' work, it bespeaks our pre-Columbian era and environment → pre-Industrial, pre-commercial!*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*SCALE! Love it!*

*It should be installed where it would be seen by 'auto tourists'. Might slow 'em down.*

- 4) Please share any other thoughts....

*I want a maquette!*



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale? *IT ADDS A DIFFERENT DESIGN TO THE ALREADY UNIQUE ART SCAPE THE AREA ALR HAS TO BEGIN WITH ALREADY.*
  
- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other? *IT REMINDS ME ABOUT THE HISTORY OF THE AREA RATHER THAN THE FUTURE.*
  
- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?  
*THE IDEA OF THE SCULPTURE IS BOTH A PIECE ONE CAN ADMIRE FROM AFAR AND UP CLOSE.*
  
- 4) Please share any other thoughts....

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I think whimsy is a good fit. Thank you.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I do not know the history of Marshall way, and neither will 99.9% of the folks viewing the sculpture. The design is fun and needs to speak for itself, which it does.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

I emailed a picture to my wife and she responded with a thumbs up. I do not think of the design as a serious piece of art, rather something fun, either like it or don't. I like. Wife likes.

- 4) Please share any other thoughts....

Enjoy progressive nature of Scottsdale art.  
Thank you for making the community more happy.

Thank you for spending time to give us your thoughts!  
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I think it would tie in some of the organic and geometric pieces in the area. It keeps true to the western and majestic tone that the animal pieces and diamond bloom.

Keeping it white and red would also reiterate mood. The interactive aspect is one of its unique and engaging qualities.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area.

Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

This design is engaging and demands viewer interaction. The element of cubism makes it rather universal between what is established and what elements can come into the community. As it is functional as more than spectacle it can be used or relocated within the community anywhere.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Pretty much how the artist stated his meaning. Rabbits are ~~easy~~ animals that invite ideas of freedom, entertainment of family <sup>can apply to</sup> or different groups of people. The fact that it can be a bunch too will always warrant use/recline while here. The rabbit, being white, is a great invitation and welcoming figure to feature.

- 4) Please share any other thoughts....

I love the asymmetrical balance of this piece and the way the rabbit is at rest, but ready to take action. It can be exciting and calming all together. This is a great design for a public area.

Much like the white rabbit in Alice in Wonderland, it can ~~also~~ invite people in a creative experience. Thank you for spending time to give us your thoughts! and opportunity for

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Discovery.



# SURVEY

Our Future in Progress



Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I think it's an interesting concept and design that will bring a unique attraction to Scottsdale. I think it will help reattract the creative sect to this area and bring a new and diverse energy to what already exists here.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I think the idea of the Jack Rabbit hits both considerations right on the head. Jack rabbits are a common thing to see in Arizona, and bringing a giant one to the landscape brings a unique and whimsical draw. And the symbol of the rabbit is all about rebirth and new life and Old Town would benefit greatly from fresh stores & creative energies.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Personally I think a 26ft white rabbit statue is more than compelling reason to come and take a picture in Old Town at the very least. It reminded me of the guitar statues installation that use to be in Tempe and I loved those. It's just a very unique idea that meshes both part of the local aesthetic with a modern twist.

- 4) Please share any other thoughts....

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Family friendly, the rabbit/hare represents a native species

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Yes!

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Size / large scale + serves as a landmark + photo op for selfies

- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

IT IS UNIQUE. NO ONE HAS DONE RABBIT YET THAT I KNOW OF

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

NOT SO SURE ABOUT HISTORY, BUT IT WILL DRAW SOME ATTENTION

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

IT DRAWS ATTENTION BUT MIGHT NOT DRAW YOU TO THE STREET

- 4) Please share any other thoughts....

I LIKE THE RABBIT THEM. LIKE COWS IN CHICAGO, BULLS ON WALK STREET ASK LOCAL ARTIST TO DESIGN SMALLER SCALE RABBIT AND PLACE AROUND THE ART DISTRICT.

Thank you for spending time to give us your thoughts!  
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1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

It will catch the Eye especially when its lite -

2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Don't see a connection <sup>w/</sup> history but the ~~sculpture~~ <sup>sculpture</sup> does excite my imagination  
The connection is "art"

3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Outside ~~sculpture~~ installations along the Marshall Way add more south to 5<sup>th</sup> Ave w/ lights -

4) Please share any other thoughts....



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Perfect

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

yes !!

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Great photo opp

- 4) Please share any other thoughts....

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**1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?**

I love the proposed sculpture and feel it would be a great addition to Scottsdale. With the other large public art pieces nearby I think the rabbit fits in nicely. It is more modern so this would help bring a contemporary element to the area.

**2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?**

As mentioned above, the Black Tailed Jack piece brings a contemporary idea and would demonstrate Scottsdale is still "hip" and "up on the times". However, it remains true to the history of Arizona so I think the artist was successful in his design on both elements.

**3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?**

The size, unique geographic shapes, unique way the pieces come together, & bright patterns caught my attention.

**4) Please share any other thoughts....**

Fantastic piece! I truly hope it becomes a part of Scottsdale's collection!

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I love that the piece is a lot of fun - sometimes public art can be sterile - so this is interesting

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I think it has a great desert connection + really encourages an interesting, vibrant future for the city of Scottsdale.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

the largeness + the humor.  
I think it will be a landmark for this area.

- 4) Please share any other thoughts....

How exciting! a good difference for this area.

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

The name fits in with the AZ desert + I see them in my neighborhood. I like it.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I think it will be a draw for people to come see, similar to other sculptures in the area.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The scale of it is a great idea. Both adults + kids will like it.

- 4) Please share any other thoughts....

Great choice of artists.

Thank you for spending time to give us your thoughts!  
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1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale? *I Like This so fun*

2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*• Good Design*

3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*I Really Like Jack rabbits*

4) Please share any other thoughts....

*Some concerns about anchoring on a slope*

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I lose this concept. There are still Rabbits in this area

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

To me, this totally fits in with the history of this area and the greaves that were here.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

I am looking forward to sitting on his tail.

- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I think choosing the Jackrabbit is a great way to bring nature into an urban space/environment.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I think the proposed ~~is~~ design is a successful solution to both. The scale of the design is what I'm drawn to the most.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Size / subject matter. It's important to be aware of our natural surrounding environment - choosing the Jackrabbit is the perfect symbol to ~~is~~ relay the message.

- 4) Please share any other thoughts....

Please approve this design! It's interesting, captivating and the perfect symbol for Old Town Scottsdale!

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

It doesn't "match" but that's what is exciting and appealing to this. It helps give old town a contemporary contrast to its existing "western" style marks while still portraying an element of the

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other? (see previous answer)

Yes, it successfully fuses past and present.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Its eye catching... You don't even have to "walk" by it, which I love! You ~~can~~ can drive by it and spot it - making it a landmark of sorts.

- 4) Please share any other thoughts....

I personally don't care for the graphics on it. They seem cheezy. Also - why just the arms?

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

*I believe it could/shoud become the icon for downtown*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*Yes-*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*Whimsical + bring in a dead element in an artistic way*

- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

It is a good balance of the desert meeting the city and with the scale, it brings to an introduction to the art scene in Scottsdale.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I believe it does. It has a great balance of history but presented in a future-forward thinking way. The simple design makes the piece approachable, child-like, w/ a future of fun.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The scale, the simplicity (child-like look), and the slant of the piece. Very ~~energic~~ inviting.

- 4) Please share any other thoughts....

This will be a great addition to complement the other public art pieces in the area.

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

As the west's most western town, a jack rabbit sculpture fits perfectly into the landscape. Plus a jack rabbit is unique to the Sonoran Desert, there is no where else in the world like our desert.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I think the sculpture is very contemporary - perfect for cosmopolitan Scottsdale. The location is ideal because the sculpture will be seen by lots of foot & car traffic.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Definitely the scale of the sculpture, plus the ability to interact w/ it & get up close. The lighting @ night will be enjoyable too.

- 4) Please share any other thoughts....

John is one of our country's passionate artists. His local connections make him a beloved local artist.

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

THE PROPOSED SCULPTURE FITS AND ENHANCES THE AREA BY CREATING A LANDMARK THAT WOULD ~~ATTRA~~ BRING VISITORS.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I AGREE, THE DESIGN IS SUCCESSFUL TO BOTH THE HISTORY AND WOULD BRING EXCITEMENT FOR THE FUTURE OF THE LOCATION.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

THE SIZE AND PLACEMENT AND COLOR SCHEME OF THE STRUCTURE CAPTURED MY ATTENTION.

- 4) Please share any other thoughts....

I AGREE WITH THE ARTIST, NIGHT LIGHTING WITH THE ABILITY TO CHANGE COLORS DURING SPECIAL OCCASIONS WOULD ENHANCE THE STRUCTURE AND THE SURROUNDING AREA.

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

The piece itself is quite unique. An element of humor is compelling, also the "Hare" is ubiquitous where we live in N. Scottsdale

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

It's youthful, optimistic, optimistic

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

It's Fun!!!

- 4) Please share any other thoughts....

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Well, as I see on the way there are many sculptures in the Scottsdale area and adding more would be great.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I agree with both. I think having more artistic features in this area would be lovely and attract people to the area and be a lovely site for people who live here.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Well, I'm a little girl, so it's awesome all in all! I have some friends that have a dad in Washington and a mom here, and I think they like Scottsdale. Also, one is 6 and loves animals.

- 4) Please share any other thoughts....



best thought ever.

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

*It is definitely unique*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*I like that it stays in the idea of Marshall Way being a more contemporary art part of the district*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*The size of the design will definitely catch the attention of passerbys*

- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

the sculpture invites playfulness with the Artful image of an Arizona icon, the jack rabbit

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

the art district of Marshall Way would be enhanced with using a sculpture by a longtime and prominent Arizona Artist.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

the height the different vantage points offer multiple forms and easily recognizable and memorable

- 4) Please share any other thoughts....

John Randall Nelson is a tremendous asset to the arts of the Valley and sculpture would be a great celebration of his influence

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Great Southwestern icon!

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Excellent solution.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Superb design!

- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

The design and concept works well with the surrounding area and culture.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Very successful to both of the considerations.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The size and concept are unique.

- 4) Please share any other thoughts....

NEED MORE LARGE SCALE SCULPTURE IN AREA.

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I think the texture, material and design are fitting for the street, the types of aesthetic of businesses and is very family oriented, as well.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I think the work makes a connection to the Sonoran desert, and also is welcoming to children, which are necessary for moving this area forward with the next generation.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The scale, the text (would like to see that) and the positioning/leaning forward

- 4) Please share any other thoughts....

The colors are wonderful and the consideration of the base, creating a sense of movement and anticipation work well

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



# SURVEY

*Our Future in Progress*



Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I Like The Tie w to The Sonoran Desert  
I Like The Size & Scale

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Yes Both

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Size / Scale / Creative Idea

- 4) Please share any other thoughts....

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

*A uniquely fits in - like a whimsical Kokopelli.*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*both - I see it as a modernistic take on  
AZ. traditional art/stories*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*the positioning / pose - fun, happy welcoming*

- 4) Please share any other thoughts....

*So cool*

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

THE SUBJECT MATTER IS  
VERY SOUTH WEST. AND ALSO FITS IN WELL WITH  
THE PUBLIC ART ALREADY IN SCOTTSDALE

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

THE COMBINATION OF WHIMSICAL INTERPRETATION  
WITH CURBIST STYLIZED MINIMALISM

- 4) Please share any other thoughts....

JOHN IS A VERY TALENTED MULTIMEDIA ARTIST!  
BY THAT I MEAN VERY ACCOMPLISHED IN MANY  
DISCIPLINES.

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

THIS ICONIC SONORAN Desert creature and sculpture connects the city closely to its desert landscape and yet ~~also~~ suggests the

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

The have paused to watch the passerby on Marshall way suggests the ~~the~~ ~~unrefined~~ ~~and~~ ~~modern~~ way ~~and~~ ~~modern~~ way experience on this unique street of art

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Ancient natural world, ~~blended~~ <sup>nothing</sup> on a modern corner - this ~~space~~ can energize the tourist.

- 4) Please share any other thoughts....

The timeless concave of the base is wonderful

Vitality and creative spirit of Scottsdale.

Thank you for spending time to give us your thoughts!  
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# SURVEY

Our Future in Progress



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

*The sculpture seems to fit with the southwestern theme of the area while adding diverse and unique design concepts which will draw the public eye.*

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

*The proposed design seems successful to both the history and future as the sculpture captures the feel of the wildlife unique to Arizona; while the design (color & medium) provides a futuristic excitement.*

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

*The size and use of materials as well as allowing for human interaction with/around the sculpture will prompt my return.*

- 4) Please share any other thoughts....

*I enjoy the unique aspects of the design concept.*

Thank you for spending time to give us your thoughts!  
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# SURVEY

Our Future in Progress



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

It "SCREAMS" UNIQUE; COME SEE ME, TOUCH ME, GATHER AROUND ME; TAKE A PICTURE W/ME!

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I REALLY CAN'T SPEAK TO THE HISTORY, BUT THE FUTURE WOULD BE INTENSLY CAPTURED W/ THIS PIECE.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

THE SIZE, THE ARTIST'S REPRODUCTION OF A JACK RABBIT; IT'S JUST REALLY COOL AND DRAWS YOU TO IT!

- 4) Please share any other thoughts....

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



# SURVEY

Our Future in Progress



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Perfect, as the Jack Rabbits / HARE are everywhere here in the desert.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I Believe it will be successful, as well as, bringing some great ART TO SCOTTSDALE

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The material used and how the SCULPTURE is constructed

- 4) Please share any other thoughts....

Very cool that John has been doing this for the community

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Love the fun & unique aspect - but still has an AZ connection with the Odel Rabbit.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I think it's great having something fun & a little different.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

I think this would be a good picture/selfie spot & it ~~was~~ also has a kind of Rocky Deuko feeling.

- 4) Please share any other thoughts....

I think it would be a great addition to Scottsdale.



# SURVEY

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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I THINK THE PROPOSED SCULPTURE WILL JUMP OUT AT VISITORS BUT IN A VERY PLEASING & INVITING WAY. COMPLEMENTING THE ALREADY EXISTING WORK (OTHER ANIMALS & SOUTHWEST) BUT WITH A MUCH NEEDED NEW TAKE. FRESH EYES FRESH PERSPECTIVE.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

BOTH. THE SUBJECT MATTER (JACK RABBIT) APPEALS TO THE AREA'S LOCAL WILDLIFE & THE EXECUTION OF THE SCULPTURE KEEPS THINGS MODERN & NOT COMPLETELY OVERWHELMING. IT'S INVITING & HAS THE ABILITY TO GENERATE CONVERSATION & EXCITEMENT.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

I LIKE THAT THIS SCULPTURE TAKES A DIFFERENT APPROACH THAN THE ALREADY EXISTING ART. BUT STILL COMPLIMENTS IT. IT'S EXCITING TO SEE SCOTTSDALE MOVING FORWARD & WOULD BE SOMETHING TO SHOW PAST PHOENICIANS THAT THINGS ARE GETTING BETTER ALL THE TIME.

- 4) Please share any other thoughts....

GREAT IDEA. I THINK THIS IS EXACTLY THE TYPE OF WORK SCOTTSDALE NEEDS TO MAKE!

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

It compliments the existing themes of Old Town very well, both in the sense it relates to Arizona wildlife and that there are already animal sculptures present.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

The sculpture will immediately plant an image of native Arizona animals in the viewer's mind which in turn recalls the ruggedness and cavalier attitude of the West, while also being in the backdrop of shopping and present/future amenities.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The size of the structure itself is intriguing and will certainly be a central point for people to take pictures and bring guests to do the same.

- 4) Please share any other thoughts....

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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Our Future in Progress



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

Very cool idea for Scottsdale. The jackrabbit theme is fun, at the same time as being a beautiful shape

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Love the black tail.  
I'd enjoy walking through ~~the~~ and around the sculpture.

- 4) Please share any other thoughts....

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevin@scottsdalearts.org](mailto:kevin@scottsdalearts.org).



# SURVEY

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1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

WHITE IS ~~THE~~ THE ONLY CHOICE. WITH THE MINIMAL ~~PLANAR~~ <sup>PLANAR</sup> FORM IT AIDS IN TRANSPARENCY AMONG THE EXISTING ENVIRONMENT.

2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

THE ARTIST STATEMENT OFFERS AN EXPERIENCE ANY TRUE DESERT EXPLORER CAN RELATE TO, TO DISCOVER WILD LIFE - AND BE DISCOVERED BY WILD LIFE. NELSON OFFERS FIRST AND FOREMOST A BOLD ACKNOWLEDGEMENT OF ~~OUR~~ OUR BELOVED NEIGHBORS ~~WHO~~ LIVING WITH US.

3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

OF ALL MARQUETTES - THE CHOSEN "JACK" HAS AN INTRIGUING BACK CONTOUR - SETTLE AND AWKWARDLY RELAXED ALIKE TO POISED ~~JACK~~ JACK IN THE WILD. THIS LAX ~~NARRATIVE~~ NARRATIVE CALMS AND ATTRACTS ME.

4) Please share any other thoughts....

~~THE~~ THE A. SYMMETRIC COMPOSITION IS PARAMOUNT. FINAL EAR SOLUTION IS NICE AND FUNKY. IF AT A CROSS ROAD - KEEP IT

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevin@scottsdalearts.org](mailto:kevin@scottsdalearts.org).

FUNKY ☺☺  
☺



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I think it's how modern southwest design. I have lived here in Scottsdale for 46 years and used to see a lot of Jack Rabbits and don't see too many these days.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

Yes I do.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The Leanness of it and that it's a Jack Rabbit.

- 4) Please share any other thoughts....

John is a innovative long time artist and a <sup>good</sup> representative of the local artists

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?  
*The nature of Marshall Way and Scottsdale is changing fast. A new generation of Artist's ... Millennials have changed the character to ~~and~~ a fresh and exciting energy. I see this piece as a natural progression to a new era.*
- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?
- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?
- 4) Please share any other thoughts....

Thank you for spending time to give us your thoughts!  
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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

As a sculpture it's interesting, but I'm not sure how it connects to Scottsdale - I don't really know Scottsdale - I expect visitors would not understand it either.

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area.

Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

What history would that be? And what does the horse mean to the history?

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

It's size is the most compelling feature - But - why a horse? I don't think the artist's intention is very clear - maybe that will be explained in the signage?

- 4) Please share any other thoughts....

I'm not against it - I think public art in any form is worthwhile and valuable. Maybe I don't know enough about Scottsdale to understand.

Thank you for spending time to give us your thoughts!

You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

I understand the rabbit theme, because of the area.  
I do not understand why it is painted white!

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other? No

Looking at the other <sup>public art</sup> art on the wall, I'm not sure this piece says anything about Marshall Way Art galleries

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

Leave the sculpture natural - metal -  
white will not look good after years of exposure to dirt & traffic at that intersection - I park my

- 4) Please share any other thoughts...  
Car close to that intersection, it is always dirty & dusty; the birds take their toll.

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

**The sculpture fits in nicely with our desert landscape. Since Jack Rabbits are native to Arizona, and can be seen in yards throughout Scottsdale.**

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

**After reading John Nelson's artist statement about why he chose the Jack Rabbit and the history behind the animal, I think it ties in well with the revival of Marshall Way.**

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

**What I find the most intriguing about this sculpture is how John Nelson plans on fabricating and assembling the sculpture out of steel. I would definitely make a point to return to Marshall Way to see the piece installed.**

- 4) Please share any other thoughts....

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



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- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

**Jack Rabbits can be seen throughout Arizona, adding one to Marshall Way kind of ties in the theme or large Jack Rabbits in public spaces. There are 3 large rabbits in Tempe, off Mill Avenue. That area is artsy and stems from a strong public community.**

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

**I don't know much about Marshall Way, other than it is in Old Town Scottsdale, and Jack Rabbits can be found in areas near there.**

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

**I am interested in how the sculpture will represent Jack Rabbits in a modern way. The sculpture is very modern, and has a very sleek design.**

- 4) Please share any other thoughts....

Thank you for spending time to give us your thoughts!  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).



# Affidavit of Posting

Office of the City Clerk

STATE OF ARIZONA            )  
  )  
COUNTY OF MARICOPA        )        ss

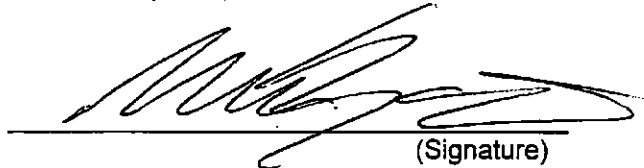
I, WYMOND BARTON, being first duly sworn, depose and say:

That on NOVEMBER 27, 2017, I posted notification poster(s) for the properties indicated below.

**Site(s) must be posted on or before: November 27, 2017**

Case No.	Description and Location of Project	No. of Signs	Date Posted
15-DR-2017	Marshall Way Entry Feature, E INDIAN SCHOOL RD / N MARSHALL WY (NW Corner)	1	11-27-17

**Date of Development Review Board Public Meeting:** December 7, 2017, AT 1:00 P.M. IN THE CITY HALL KIVA, SCOTTSDALE, ARIZONA.

  
(Signature)

Acknowledged this 6<sup>th</sup> day of December 2017.

  
(Notary Public)

My commission expires 11/15/2020



### Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

# PUBLIC HEARING NOTICE

**REQUEST:** This is to inform you of a request for approval of site improvements for Marshall Way public art entry feature including landscape, hardscape, and lighting.

**CASE#:** 15-DR-2017

**DATE:** December 7, 2017

HEARING DATE SUBJECT TO CHANGE  
PLEASE CHECK OUR WEBSITE FOR LATEST INFORMATION

UNLESS OTHERWISE NOTIFIED, ALL PUBLIC HEARINGS ARE HELD AT:

SCOTTSDALE CITY HALL  
3939 N. DRINKWATER BLVD.

YOUR COMMENTS ABOUT THIS REQUEST CAN BE MADE PRIOR TO OR AT THE ABOVE PUBLIC HEARING  
IF YOU WISH TO SPEAK AT THIS MEETING PLEASE ALLOW ENOUGH TIME TO FILL OUT A COMMENT CARD.



**480-312-7000**

**1:00 P.M.**

DEVELOPMENT REVIEW BOARD

POSTING DATE:

NOVEMBER 27, 2017

<https://eservices.scottsdaleaz.gov/bidatresources/Cases>

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**480-312-7000**

**1:00 P.M.**

DEVELOPMENT REVIEW BOARD

POSTING DATE:

NOVEMBER 27, 2017

<https://eservices.scottsdaleaz.gov/30303/eservices/Cases>

15-PR-2017

**Castro, Lorraine**

---

**From:** Dan Semenchuk <dan@creativeconnect.org>  
**Sent:** Wednesday, August 02, 2017 4:26 PM  
**To:** Stockwell, Brent  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; John Nelson; Kevin Vaughan-Brubaker; Herb Shipp; C.B. Shipp; Vickie Petley  
**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

It looks like the Development Review Board has chosen to continue this case. [http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-minutes/07-06-17\\_Approved\\_Minutes.pdf](http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-minutes/07-06-17_Approved_Minutes.pdf)

In the meantime, why did the City already remove the existing entryway monument and create an eyesore?

Also, I am still awaiting your responses to these questions;

From a project management standpoint, would you please provide me some insight as to why the City just doesn't stop calling this art project a "Jackalope," knowing that it's costing more taxpayer dollars to do so? Wouldn't it make more sense to call it what it is, a rabbit, and be done with it?

Would you please provide an estimate of time/cost on the part of the City for this project to date?

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature on this art project?

And if you would, please postpone this project and be patient with me as I continue to seek counsel. I have been unable to speak with one of my Advisory Board Members [http://www.creativeconnect.org/assets/docs/09\\_2015\\_Overview.pdf](http://www.creativeconnect.org/assets/docs/09_2015_Overview.pdf) in that he's been out of the country coaching the South Sudan Basketball Team, but is also a Mediation/Litigation Attorney.

Finally, I was recently told that Scottsdale has the highest per capita debt of any Valley municipality, and will be looking into that as well.

Thanks,  
Dan

On Jul 6, 2017, at 11:09 AM, Dan Semenchuk <[dan@creativeconnect.org](mailto:dan@creativeconnect.org)> wrote:

Brent,

I know that you've been communicating separately with Vickie Petley, Bob Petley's daughter, and that she has expressed her frustration over this situation and this project. She doesn't feel like our City is showing support and respect, and it appears that her request to the City is

“without merit” as well. So, she will be seeking counsel to see what she can do to protect her father’s creative work by not having this Giant Pink Humping Rabbit referred to as a “Jackalope.” Again, the City’s Project Narrative states; “For over 50 years Jackalope postcards have been a classic Southwestern souvenir” clearly referencing her father’s work. It appears that the City is also compelling me to seek counsel as well in order to protect my idea of creating an homage project for her father, which would look nothing like the “Jackalope” the City is putting up.

On that basis, would you please ask the City to put a hold on this project until Vickie and I have had a chance to explore our options? The City has been working on this project since 2013 and there is no deadline for it.

In the meantime, from a project management standpoint, would you please provide me some insight as to why the City just doesn’t stop calling this art project a “Jackalope,” knowing that it’s costing more taxpayer dollars to do so? Wouldn’t it make more sense to call it what it is, a rabbit, and be done with it?

Again, would you please provide an estimate of time/cost on the part of the City for this project to date?

I am also restating my request to the Development Review Board to postpone reviewing this case, for several reasons, one of which is the location.

In spite of what the City believes, I believe that an art project of this scale is not appropriate for that location and corner.

It also has to do with the nature of the artwork itself at that location, hence the “crotch shot.” Since Councilman Smith sits on the Development Review Board, and his wife sits on the Scottsdale Arts Advisory Board, I am also making my request directly to him.

On a side note, Councilman Smith recently wrote in a promotional newsletter; “Council adopted a Balanced Budget for next year... that's good! Unfortunately, the Budget isn't sustainable and hasn't been for several years. That's because the money we budget for capital improvements is woefully short of the amount needed. For the fourth year in a row, your city's net depreciable assets declined. In the private sector, that's called business liquidation.”

City Council approved money for this as a Capital Improvement Project entryway feature, not an art project, which as documented and by definition are two completely different things. The Miami FL artists were clearly working on an entryway feature, and artist John Randall Nelson is clearly working an art project, a project with no tie-in to Marshall Way.

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature on this art project?

Thanks,  
Dan

On Jul 5, 2017, at 6:21 PM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Thank you for your email. To respond to your direct questions:

As I stated before, the city reviewed your request and found it without merit. As a result, there would be no need for the city to mediate regarding this issue.

The City of Scottsdale has an agreement with Scottsdale Cultural Council (dba Scottsdale Arts) for management and administration of public art. Per the agreement, "the city shall not make any decisions pertaining to the design, selection and management of City Artwork, including the selection of artists." As a result, any questions or concerns about public art should be directed directly to Scottsdale Arts. They have the ability to make decisions about design of public art.

To clarify, the item on the July 6 Development Review Board agenda is to approve the site plan for the location and lighting of this project. The art work itself, and the name of the artwork, is outside the scope of the Development Review Board.

I've not pulled the most recent employee statistics but 30% seems accurate. As I've mentioned before, in November 1967 the Scottsdale voters removed a requirement from the Scottsdale City Charter that employees be Scottsdale residents. Only officers of the city (city attorney, city auditor, city clerk, city manager, city treasurer) are required to live within the city limits. So staff are not required to reside in Scottsdale, and it would be unfair to judge their professional competence and commitment based on home address.

I realize my responses are not what you are wanting, but this is the process I must follow unless directed differently by the City Council.

Sincerely,

Brent Stockwell, Assistant City Manager  
Scottsdale City Hall, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251  
[BStockwell@ScottsdaleAZ.gov](mailto:BStockwell@ScottsdaleAZ.gov) | 480-312-7288

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**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]  
**Sent:** Wednesday, July 5, 2017 9:45 AM  
**To:** Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>  
**Cc:** Phillips, Guy <[GPhillips@Scottsdaleaz.gov](mailto:GPhillips@Scottsdaleaz.gov)>; Klapp, Suzanne <[SKlapp@scottsdaleaz.gov](mailto:SKlapp@scottsdaleaz.gov)>; Korte, Virginia <[VKorte@Scottsdaleaz.gov](mailto:VKorte@Scottsdaleaz.gov)>; Milhaven, Linda <[LMilhaven@scottsdaleaz.gov](mailto:LMilhaven@scottsdaleaz.gov)>; Lane, Jim <[JLane@ScottsdaleAZ.Gov](mailto:JLane@ScottsdaleAZ.Gov)>; Littlefield, Kathy <[KLittlefield@Scottsdaleaz.gov](mailto:KLittlefield@Scottsdaleaz.gov)>; Smith, David N <[DnSmith@Scottsdaleaz.gov](mailto:DnSmith@Scottsdaleaz.gov)>; Venker, Steve <[JVenker@Scottsdaleaz.gov](mailto:JVenker@Scottsdaleaz.gov)>; Meyer, Gary <[GMeyer@scottsdaleaz.gov](mailto:GMeyer@scottsdaleaz.gov)>; Walker, Sharron <[SWalker@scottsdaleaz.gov](mailto:SWalker@scottsdaleaz.gov)>; Washburn, Bruce <[bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)>; Jagger, Carolyn <[cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)>; Worth, Daniel <[DaWorth@scottsdaleaz.gov](mailto:DaWorth@scottsdaleaz.gov)>; Thompson, Jim <[JThompson@Scottsdaleaz.gov](mailto:JThompson@Scottsdaleaz.gov)>; Churchard, Karen <[KChurchard@Scottsdaleaz.gov](mailto:KChurchard@Scottsdaleaz.gov)>; Grant, Randy <[RGrant@Scottsdaleaz.gov](mailto:RGrant@Scottsdaleaz.gov)>; Basha, Paul <[PBasha@Scottsdaleaz.gov](mailto:PBasha@Scottsdaleaz.gov)>; Casey, Danielle <[DCasey@Scottsdaleaz.gov](mailto:DCasey@Scottsdaleaz.gov)>; Development Review Board <[DevelopmentReviewBoard@Scottsdaleaz.gov](mailto:DevelopmentReviewBoard@Scottsdaleaz.gov)>; John Nelson <[whonelson@cox.net](mailto:whonelson@cox.net)>; Kevin Vaughan-Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)>; Herb Shipp <[canyonrider@mac.com](mailto:canyonrider@mac.com)>; C.B. Shipp <[blen@mac.com](mailto:blen@mac.com)>; Vickie Petley

<[vickiepetley@gmail.com](mailto:vickiepetley@gmail.com)>

**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

Before you read any further, please take a minute to read the attached copy of an email message that I had sent to City Council and Staff on Oct. 4, 2013, entitled "Marshall Way Monument."

It contains some additional information supporting my claim, and you were not copied on it.

It should be noted that the City-funded Scottsdale Gallery Association, the organization that oversees the art galleries and the "ArtWalk" event, who hired the Mayor's Political Consultant Jason Rose to lobby for this Marshall Way Entry Feature, now only lists a total number of 30 members on its website, and not all of them are actually art galleries, such as the City's Museum of the West and SGA President French Thompson's jewelry store on Main Street. I suspect that number of art galleries and public art will continue to decline as the world continues to change, in that all of us have access to the world's art on our smart phones, computers, and monitors.

It should also be noted that the owners of Sip Coffee & Beer House, also mentioned in my message, now also own Sip Coffee & Beer Garage in Arcadia, and are planning to open Sip Coffee & Beer Kitchen in the vicinity of where the Mayor and City Council Members live, Shea and Scottsdale, and that they live in Downtown Scottsdale, less than a mile from City Hall, and were part of Downtown Scottsdale Voices. They feature the work of local artists, both visual and musical.

I understand that the City doesn't think that there is a basis for my claim, and therein lies the issue. The City of Scottsdale and I disagree, and as a Citizen, I am seeking resolve in my dispute. There is probably no precedent for a municipality like Scottsdale to appropriate and corrupt a Citizen's intellectual property through a public art project, and that is why I am seeking mediation for my Bob Petley Jackalope project idea appropriation. By the way, I found out last week that Councilwoman Kathy Littlefield used to work for Bob Petley. I also spent some time last week at Sip Coffee & Beer House with Bob's daughter, who works in Downtown Scottsdale and lives in South Scottsdale. She has stated that the proposed Marshall Way Entry Feature is a "disgrace," and I am copying her on this message, so she can personally let all of you know how she feels about all of this.

The uniqueness of this situation is that the City is using public domain land that the City is supposed to be stewarding on behalf of Citizens, for this Capital Improvement/Public Art project that we, the Citizens, clearly don't want and are paying for, and that the City is spending Citizen and tax-payer dollars on this project that seems to be benefitting Downtown Scottsdale property owners, who apparently were able to get the City to change the installation from a rabbit into a "Jackalope" simply by the addition of "antler buds," which I see as the equivalent of my being able to change anyone of the City's numerous public art horses into "Unicorns" simply by adding "horn buds." The City uses the property owner's address in its Project Narrative, and it happens to be a property owner who I shared my Jackalope idea with, who was part of the Mayor's Downtown Task Force, and also included in my claim.

The Mayor's Chief of Staff, Rachel Smetana, is also included in my claim, in that I also

shared my idea with her, and I have documented her statement of support for my Jackalope project. In addition to meeting with Rachel on Aug. 1, 2014, I also met with her and the Mayor on Aug. 27, 2014, and asked the Mayor to spend the \$150,000 on deteriorating infrastructure in Downtown Scottsdale, rather than on an unnecessary Marshall Way Entry Feature. The Mayor suggested that I meet with the City's Derek Earle, and Rachel made that connection in an email dated Sept. 16, 2014, entitled "FW: Marshall Way Enhancement Project Citizen Petition."

If you read through the thread, you'll note that former City Manager Fritz Behring was included and that City Auditor Sharron Walker states; "A City public art project is considered to be a Capital Improvement Project. While Scottsdale Public Art handles the artist/art selection, City staff still manages and pays for the project." The way that I interpret Sharron's statement is that the City Manager's Office is managing the Marshall Way Entry Feature project. On that basis, would you please provide an estimate of time/cost that the City (Mayor's Office, City Council and Staff) have spent on this project from when the budget was approved in 2013? These costs don't appear to be coming out of the \$150,000 that City Council allocated for this project. Would you also get an estimate of time/cost from Scottsdale Public Art/Artist Selection Committee? We know, at the least, that the previous artists selected for this project were paid \$15,000, and that the current artist has revised his design/s.

It was Derek Earle, who wrote, in an email message dated Jun. 13, 2013 and entitled "RE: CM/ED Group Meeting Today"; "The emails are correct that the Marshall Way entry feature was proposed by Councilwoman Milhaven and approved by Council as part of the CIP. Council also specified that the project was to be paid out of Bed Tax funds -in this case it would be the carryover funds. The new CIP is entitled "Marshall Way Entry Feature" and will be effective on July 1st. My original intent was to treat this as a public art project and administer it through a CPM project manager. We would sign an MOU with Public Art for their management of the process. You might note that, when I went back to check the Council meeting, this was not specified as an art project, but more as an entry feature. In talking to Linda Milhaven today, she thought that Public Art administration of this might make sense.

By definition, the Giant Pink Humping Rabbit turned "Jackalope" is an art project, in that it can be placed anywhere in Scottsdale, and by definition, not an entry feature. City Council approved \$150,000 bed tax dollars specifically for an entry feature, which is what the Miami FL artists were working on. So, apparently the City can also turn an "entry feature" into an "art project."

It should also be noted that at the Tourism Development Commission Work Study Session presentation on Dec. 16, 2014, while reviewing "tourism projects currently in the CIP," Public Works Director Dan Worth included the Marshall Way Entry Feature along with the Scottsdale Museum of the West, the public art project for WestWorld (you might want to ask artist Jeff Zischke about his experience working with Scottsdale Public Art), the Tony Nelssen Equestrian Center, and the Desert Discovery Center.

So the City has also put this Giant Pink Humping Rabbit turned "Jackalope" into the same category as the Museum of the West, WestWorld, and the Desert Discovery Center. Also, my wife and I stayed at a Scottsdale resort this past weekend, so Citizens as well as tourists are being taxed and paying for this "Marshall Way Entry Feature."

The way that I interpret all of this, is that City Council and Staff are able to use Bed Tax

funds to pay for Capital Improvement Projects and/or Public Art, and that City Council and Staff can spend that money, with no accountability or pro forma, on projects like this Marshall Way Entry Feature in the name of "Tourism," which apparently can be anything, instead of spending the money on deteriorating infrastructure and disappearing history and vintage, which is what's making Downtown Scottsdale less and less attractive to tourists. Simply put, I think the City is killing Downtown Scottsdale by spending money on projects like this. It's also why I don't think it makes fiscal sense for the City to be asking the Citizens for any more Bond Money, in that the City removed an entry feature at this location, paid for in part by Bond Money. I'm just not seeing fiscal stewardship being demonstrated on the part of my City.

Conversely, I've personally been able to demonstrate that I've contributed to the economic vitality of the City at no cost to the Citizens, and apparently why the City of Scottsdale is fighting my efforts, in that the City is its own fifth largest employer. At a recent Scottsdale Community Council meeting, I believe that Councilman Smith stated that only 30% of the City's employees actually live in Scottsdale. Is that correct?

Last year, as City Staff, Rachel Smetana declined to help me with four other public art homage projects that I've been working on, which, like my previous projects, are at no cost to the Citizens. That account can be found in an email thread entitled "RE: The Mayor and City Council and the Decline of Downtown and South Scottsdale," dated Aug. 23, 2016, and Rachel was responding to a message that I had sent you on Aug. 4, 2016. In my response to her, I had written; "Since you responded to my message to Brent Stockwell as the Mayor's Chief of Staff and as President of the Scottsdale Historical Society, I have four history public art projects that you can help with as a practical way of demonstrating your "love for South Scottsdale." It's been hard for me to get stuff done without dealing with the politics."

These four history/homage projects include Paul Messinger, Gerbacio Noriega, the Corral Family, and Chaplain Winfield Scott.

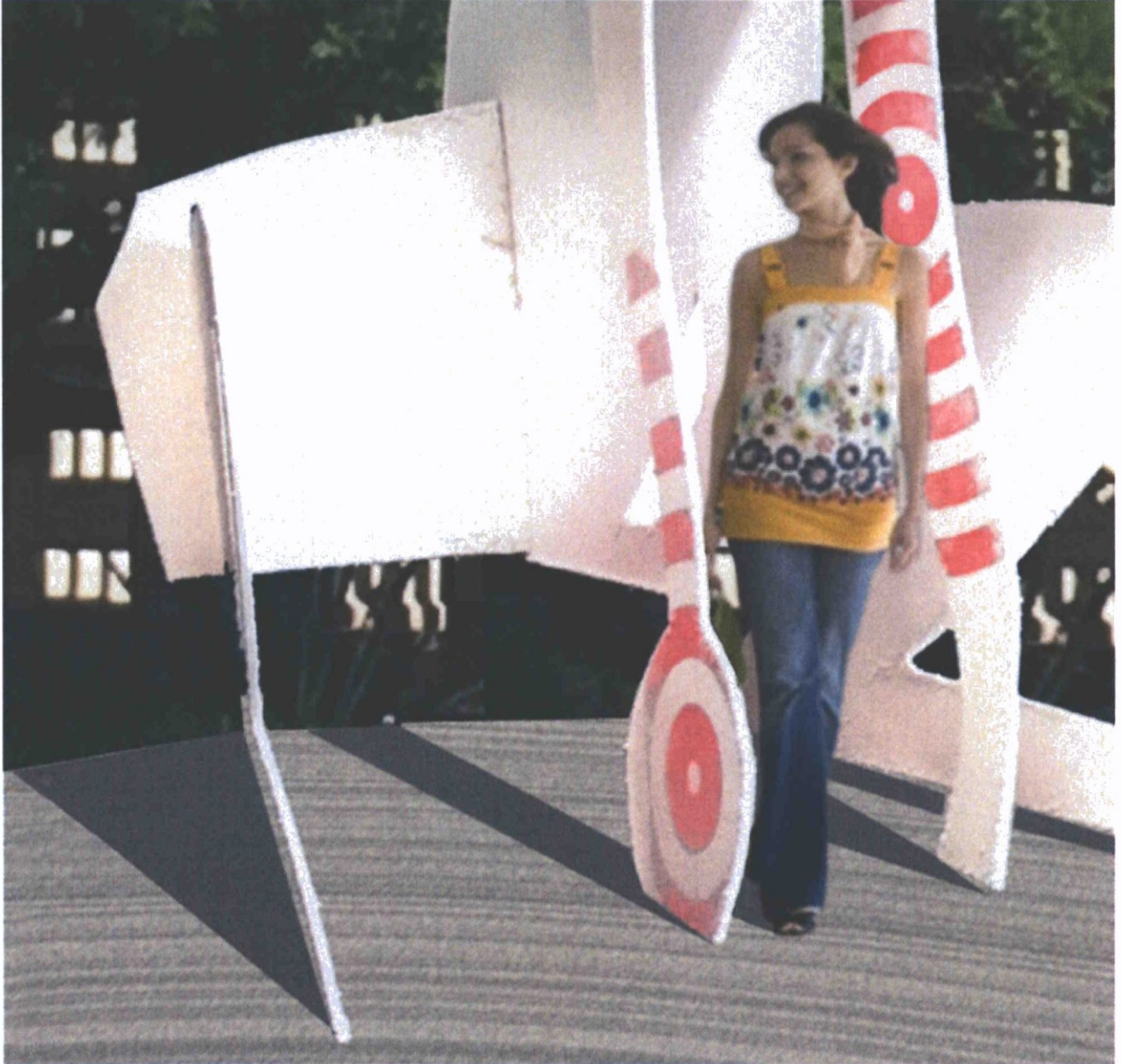
So instead of the City of Scottsdale supporting Citizens like me, interested in creating authentic and relevant art on public land for the public at no cost to the Citizens, the City appears to be fighting my efforts, and facilitating and wasting money on this corrupted version of my Bob Petley Jackalope homage.

Just so I understand your using the term "legal rights" in your response, are you suggesting that the City is recommending litigation for a Citizen claim of this type, rather than sitting down and trying to resolve through mediation?

Thanks,  
Dan

P.S. Per the City's Organization Chart, it appears that the Mayor and City Council oversee the City's Boards, Commissions, and Task Forces, and as documented, the Mayor and City Council make decisions autonomous of those same Boards, Commissions, and Task Forces, which is what it appears they did with this project in securing the \$150,000 bed tax dollars. I am restating my request to City Council and Staff and the Development Review Board to postpone reviewing this case until my dispute with the City can be resolved. This project has been in the works since 2013, and there is no deadline for it. In addition to my Jackalope idea appropriation, I also believe that a Capital Improvement Project Public Art installation of this scale is out of proportion for that corner, hence the inclusion of the City's Transportation Department,

in that I believe that this project will create additional hazard to the public. As precedent, the City of Scottsdale put the Bob Parks Horse Fountain in the wrong place, and created a hazard to the public who have to stand in the street and dodge cars in order to take pictures. Here's a video of what that looks like. <https://www.facebook.com/dan.semenchuk/videos/10214335099557223/> Otherwise, this is what the "crotch shots" of the proposed Marshall Way Entry Feature will look like if people stay on the sidewalk. Some have already suggested that these pictures will include people bending over, and symbolic.



On Jun 30, 2017, at 4:44 PM, Stockwell, Brent  
<[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Thank you for your email. After review of your request, the City does not believe you have any legal rights to the idea of a Jackalope public art project in Scottsdale or in using the word "Jackalope" in connection with any such project.

As noted in Scottsdale Public Art Director Donna Isaac's June 23, 2017 email (attached), Scottsdale Public Art has also found no merit to your allegation.

Sincerely,  
Brent Stockwell, Assistant City Manager  
Scottsdale City Hall, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251  
[BStockwell@ScottsdaleAZ.gov](mailto:BStockwell@ScottsdaleAZ.gov) | 480-312-7288

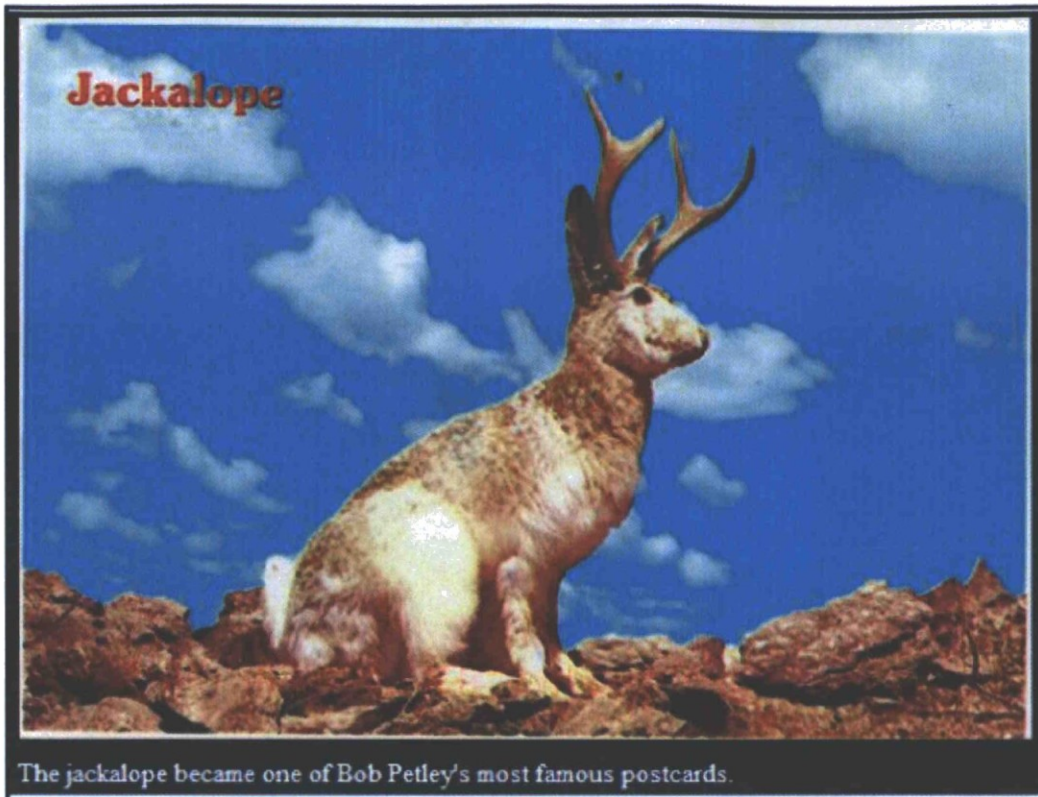
**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]  
**Sent:** Tuesday, June 27, 2017 6:08 PM  
**To:** Phillips, Guy <[GPhillips@Scottsdaleaz.gov](mailto:GPhillips@Scottsdaleaz.gov)>; Klapp, Suzanne <[SKlapp@scottsdaleaz.gov](mailto:SKlapp@scottsdaleaz.gov)>; Korte, Virginia <[VKorte@Scottsdaleaz.gov](mailto:VKorte@Scottsdaleaz.gov)>; Milhaven, Linda <[LMilhaven@scottsdaleaz.gov](mailto:LMilhaven@scottsdaleaz.gov)>; Lane, Jim <[JLane@ScottsdaleAZ.Gov](mailto:JLane@ScottsdaleAZ.Gov)>; Littlefield, Kathy <[KLittlefield@Scottsdaleaz.gov](mailto:KLittlefield@Scottsdaleaz.gov)>; Smith, David N <[DnSmith@Scottsdaleaz.gov](mailto:DnSmith@Scottsdaleaz.gov)>; Venker, Steve <[JVenker@Scottsdaleaz.gov](mailto:JVenker@Scottsdaleaz.gov)>; Meyer, Gary <[GMeyer@scottsdaleaz.gov](mailto:GMeyer@scottsdaleaz.gov)>; Walker, Sharron <[SWalker@scottsdaleaz.gov](mailto:SWalker@scottsdaleaz.gov)>; Washburn, Bruce <[bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)>; Jagger, Carolyn <[cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)>; Worth, Daniel <[DaWorth@scottsdaleaz.gov](mailto:DaWorth@scottsdaleaz.gov)>; Thompson, Jim <[JThompson@Scottsdaleaz.gov](mailto:JThompson@Scottsdaleaz.gov)>; Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>; Churchard, Karen <[KChurchard@Scottsdaleaz.gov](mailto:KChurchard@Scottsdaleaz.gov)>; Grant, Randy <[RGrant@Scottsdaleaz.gov](mailto:RGrant@Scottsdaleaz.gov)>; Basha, Paul <[PBasha@Scottsdaleaz.gov](mailto:PBasha@Scottsdaleaz.gov)>; Casey, Danielle <[DCasey@Scottsdaleaz.gov](mailto:DCasey@Scottsdaleaz.gov)>; Development Review Board <[DevelopmentReviewBoard@Scottsdaleaz.gov](mailto:DevelopmentReviewBoard@Scottsdaleaz.gov)>  
**Cc:** John Nelson <[whonelson@cox.net](mailto:whonelson@cox.net)>; Kevin Vaughan-Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)>; Herb Shipp <[canyonrider@mac.com](mailto:canyonrider@mac.com)>; C.B. Shipp <[blen@mac.com](mailto:blen@mac.com)>  
**Subject:** Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

All,

Please consider this a "cease and desist" request with regard to calling the John Randall Nelson and Scottsdale Arts "Marshall Way Entry Feature" a "Jackalope," or to use the term "Jackalope" in conjunction with any public art project in Scottsdale.

I am an artist and creator, claiming intellectual property rights for a "Jackalope" project in Scottsdale. I have created and facilitated several public art projects in Downtown Scottsdale, both on public and private property and at no cost to the City or its Citizens.

My idea is to create a Bob Petley "Jackalope" homage



which I believe would become an attraction for Downtown Scottsdale, and would be a place for people to gather and have pictures taken. Bob Petley is credited as the creator of the "Arizona Jackalope" <http://tucsoncitizen.com/morgue/2006/07/18/19396-obituary-bob-petley-created-arizona-jackalope/> and he photographed his Jackalope at Papago Buttes, which is two miles from Downtown Scottsdale and three miles from my house. Like Bob, I am also a photographer. <http://www.phoenixnewtimes.com/arts/22-dan-semenchuk-6583955> I have been working on this homage project for him in Downtown Scottsdale since 2014, and have shared my idea with a variety of people. I have the support of Bob's daughter, who works in Downtown Scottsdale and who lives in South Scottsdale like me. She has stated that the proposed and purported "Jackalope" Marshall Way Entry Feature is a "disgrace."

On a side note, I talked with [Paul Messinger](#) earlier, and Paul knew Bob Petley, and he has provided me with additional information for my project. For the record, Paul is a patron and consularie, and I'm awaiting his permission to create an homage/legacy project for him as well (he's pretty humble). I've let Paul know that he reminds me a lot of my father, Paul, who is the same age, and my father is also a writer and was a farm boy. Here is my father's legacy website, which I am still working on. [www.paulcsemenchuk.com](http://www.paulcsemenchuk.com) Also, Paul Messinger was part of "26 Blocks" which I reference in "How Creative Connect Works" in my overview. [http://www.creativeconnect.org/assets/docs/09\\_2015\\_Overview.pdf](http://www.creativeconnect.org/assets/docs/09_2015_Overview.pdf)

I believe that my Bob Petley "Jackalope" homage idea and project is being appropriated and corrupted by the City of Scottsdale, Scottsdale Arts, and artist John Randall

Nelson. <http://www.phoenixnewtimes.com/arts/51-john-randall-nelson-6574351>

I am prepared to protect and defend my idea, and as a Citizen, am seeking mediation with and from the City of Scottsdale, where I've been a Citizen since 1984. My request is to the City of Scottsdale, as the steward of public domain land, and includes the Mayor's Office, City Council, City Staff, persons employed by or contracted by the City of Scottsdale, as well as the City's Development Review Board, who I am also including in this message.

This message also serves as my Public Comment to the Development Review Board, scheduled to meet on 7/6/17 to review this project with Scottsdale Public Art's Project Manager, Kevin Vaughn-Brubaker. <https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/47302>

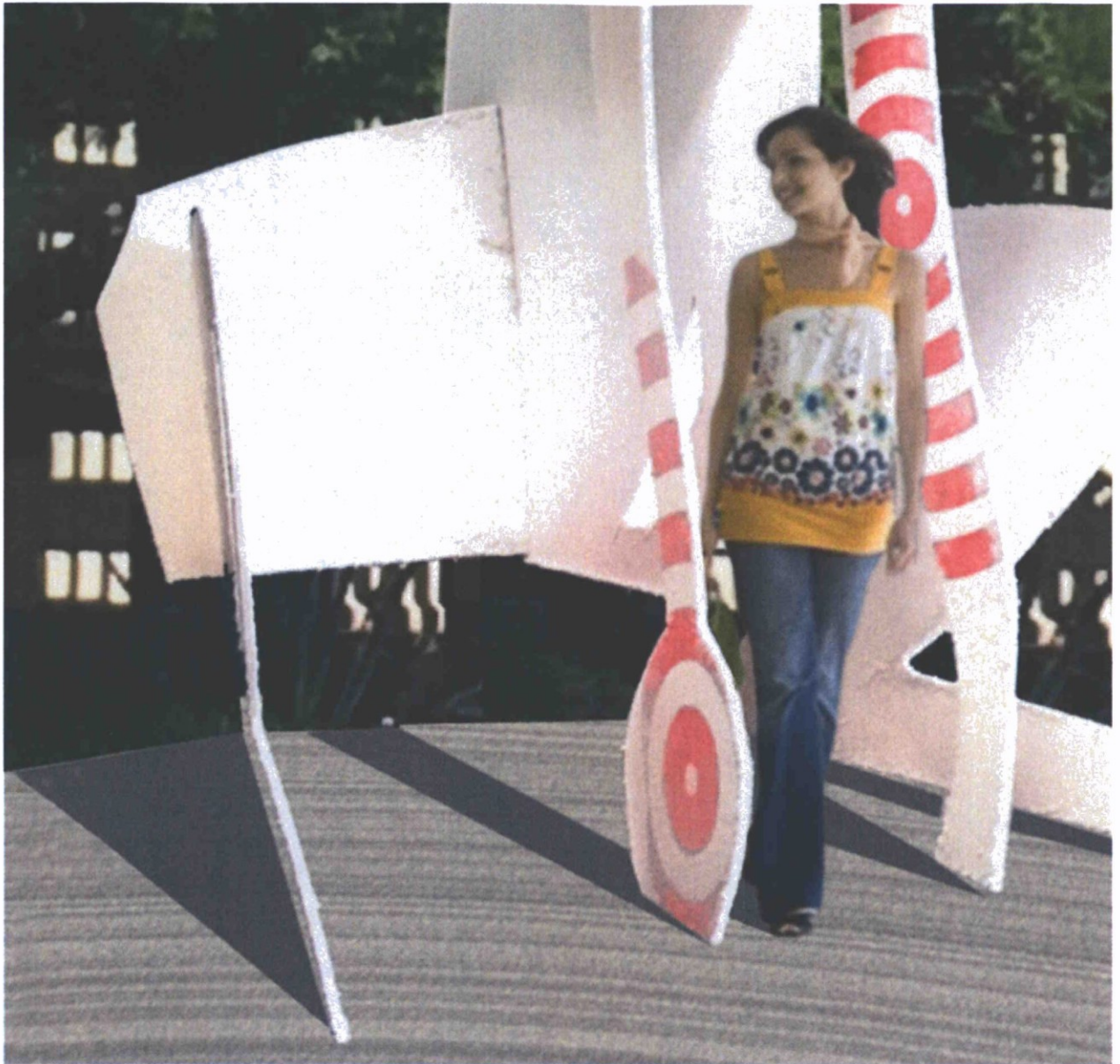
It should be noted that City Councilman David Smith is a Member of the Development Review Board, and that his wife, Diana, sits on the Board of Trustees of Scottsdale Arts. Also, Councilwoman Linda Milhaven, identified as a "champion" of the "Marshall Way Entry Feature" was former Board Chair of Scottsdale Arts, and John Randall Nelson has Councilwoman Milhaven's employer, Wells Fargo, as a client. And as far as I know, the City only received two surveys in response to their meeting for this project on Jan. 15, 2014, one from Bentley Calverley, who no longer has her gallery on Marshall Way, and one from Gerbert Gallery on Main St., where John Randall Nelson sells his artwork.

I believe that John Randall Nelson is trying to sell more of his artwork in Downtown Scottsdale by appropriating the creative work of Bob Petley, and that the City of Scottsdale is facilitating.

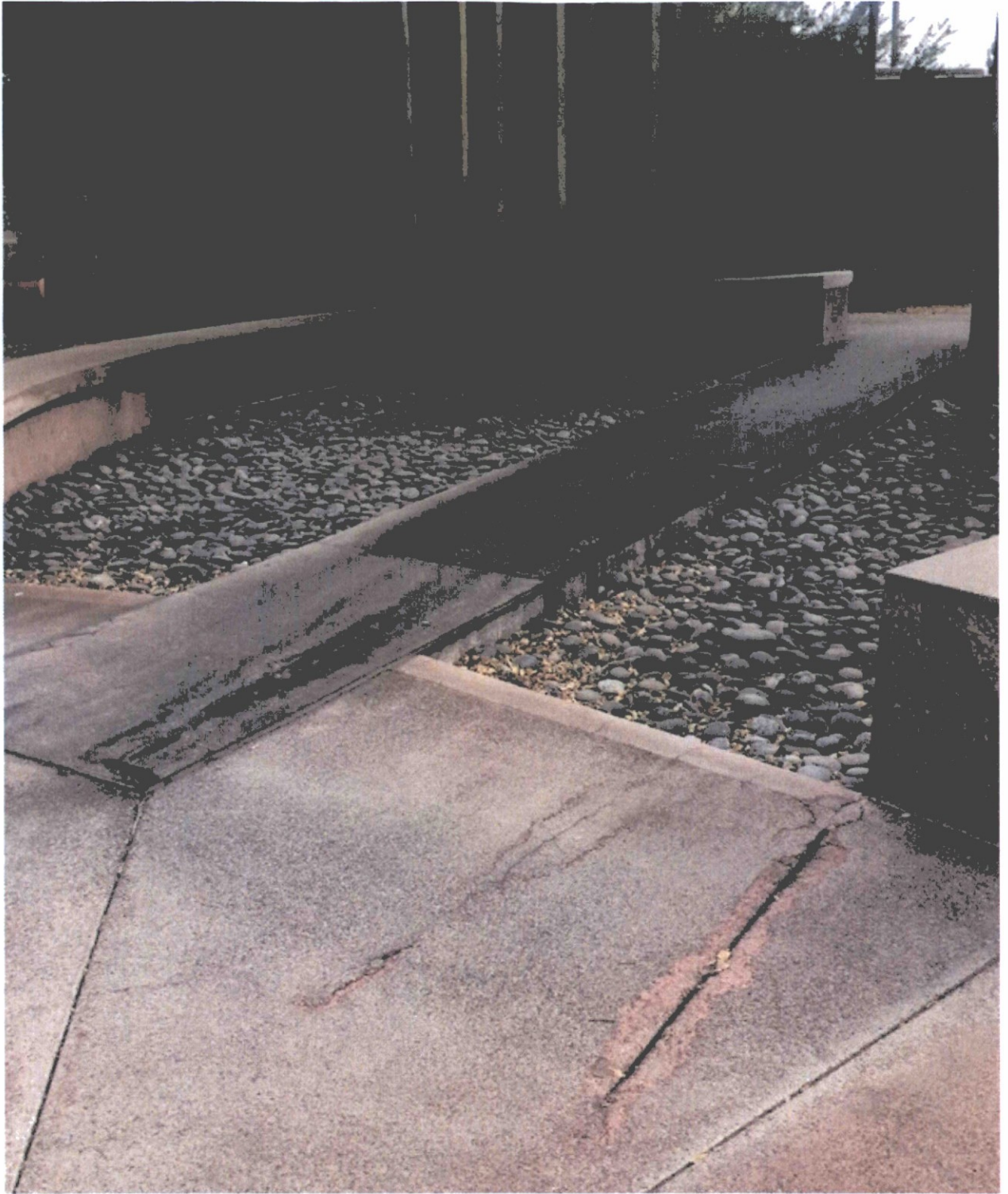
Here is a link to the City of Scottsdale's Planning & Development Services Project

Narrative. [http://eservices.scottsdaleaz.gov/planning/projectsummary/applicant\\_submittals/ProjInfo\\_15\\_DR\\_2017.pdf](http://eservices.scottsdaleaz.gov/planning/projectsummary/applicant_submittals/ProjInfo_15_DR_2017.pdf) In the description it states "For over 50 years Jackalope postcards have been a classic Southwestern souvenir." I believe that just this one line is an appropriation and corruption of Bob Petley's "Arizona Jackalope," and an insult to him and his family.

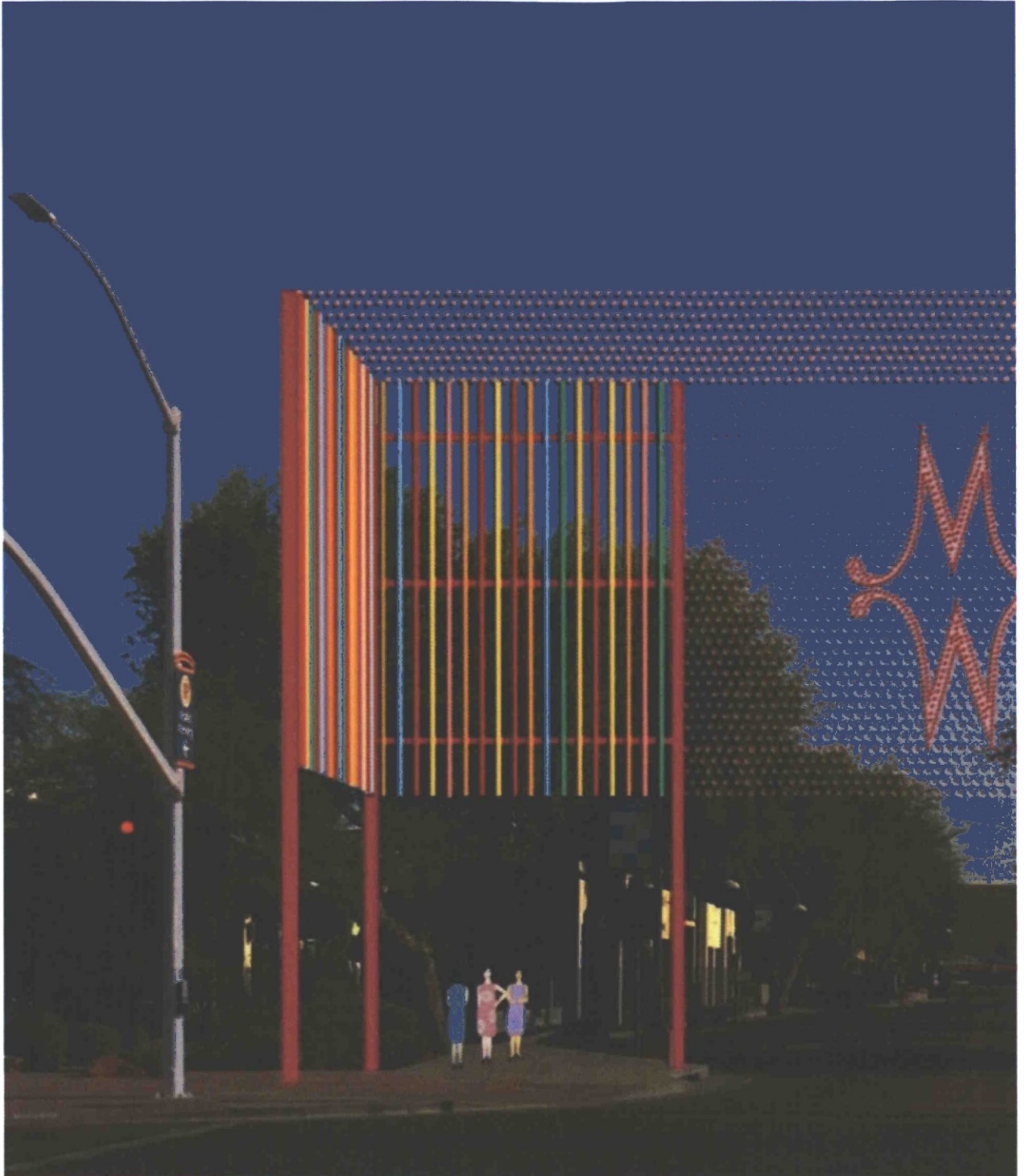
On a note to the Development Review Board and the City of Scottsdale, the Project Narrative also states that the installation intends to be "an interesting place to take pictures or for children to play around." This is what the pictures will look like.



The installation will also be within feet of one of the busiest streets in Downtown Scottsdale, Indian School Road (the City's Transportation Department is also included in this message). A public art installation of this scale should be located in the Civic Center Park. What this intersection needs is a pedestrian overpass, not an obstruction. If you allow this project, you are creating a hazard to the public in the name of public art and as a Capital Improvement Project. The artist himself is creating a hazard to the public, a metal installation with a seat (a friend recently had his surface temperature reader max out at 200° on a metal door on the side of his building). Plus the City already has a public art installation with metal benches across the street.



It should also be noted that the City has already paid \$15,000, or 10% of the overall budget for this "Marshall Way Entry Feature," to Miami FL artists (the same "metal bench" artists for another Indian School Road project <http://www.scottsdalepublicart.org/permanent-art/flower-pauses>) to come up with this idea for this project, before they were "fired."



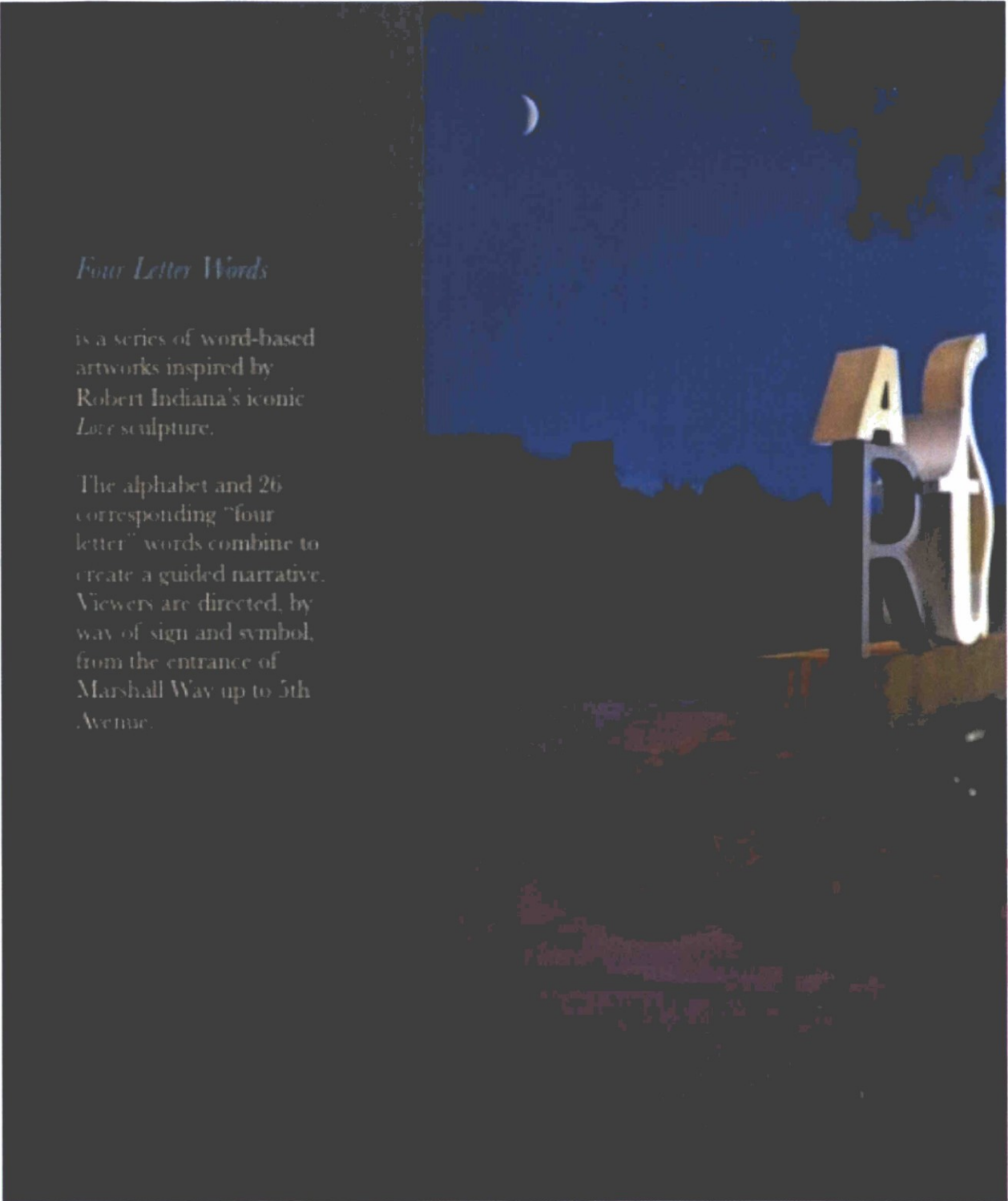
The City of Phoenix Public Art Program has hired these same Miami FL artists, and "Scottsdale" Public Art Director Donna Isaac (who will be "retiring" on June 30) used to work for the City of Phoenix Public Art Program, as did Kevin Vaughn-Brubaker. Elizabeth Grajales, who works for the City of Phoenix Public Art Program is one of the Artist Selection Committee Members for this "Marshall Way Entry Feature." From what I can tell, "Scottsdale" Public Art appears to be a misnomer.

As a Citizen representing Citizens, I am requesting that all of you, who this message is being sent to, not approve this project at all, let alone as a "Jackalope," on the basis of what appears to be significant

**mismanagement and conflict of interest.**

**In due diligence, last week I sent an email message to Scottsdale Public Art Project Manager, Kevin Vaughn-Brubaker, and most of you were copied on that message, entitled "Marshall Way Entry Feature 'Cease and Desist' using the term "Jackalope," and am also attaching this PDF of that message, which includes information and documentation, as well as some of the individuals involved.**

**In due diligence, I have also issued the same request directly to artist John Randall Nelson, who I've known for quite a while, who originally submitted this concept for the same project, before the Miami FL artists were selected.**



*Four Letter Words*

is a series of word-based artworks inspired by Robert Indiana's iconic *Love* sculpture.

The alphabet and 26 corresponding "four letter" words combine to create a guided narrative. Viewers are directed, by way of sign and symbol, from the entrance of Marshall Way up to 5th Avenue.

The City of Scottsdale and Scottsdale Arts also have John Randall Nelson and the Director of the City of Phoenix Public Art Program, Ed Lebow, on an Artist Selection Committee for the Project Artist for the Scottsdale Terminal Redevelopment Project;

"The selection panel members:

Nora Trulsson – Advisory Board Co-Chair  
Erik Peterson – Advisory Board Co-Chair  
Ed Lebow – City of Phoenix Public Art

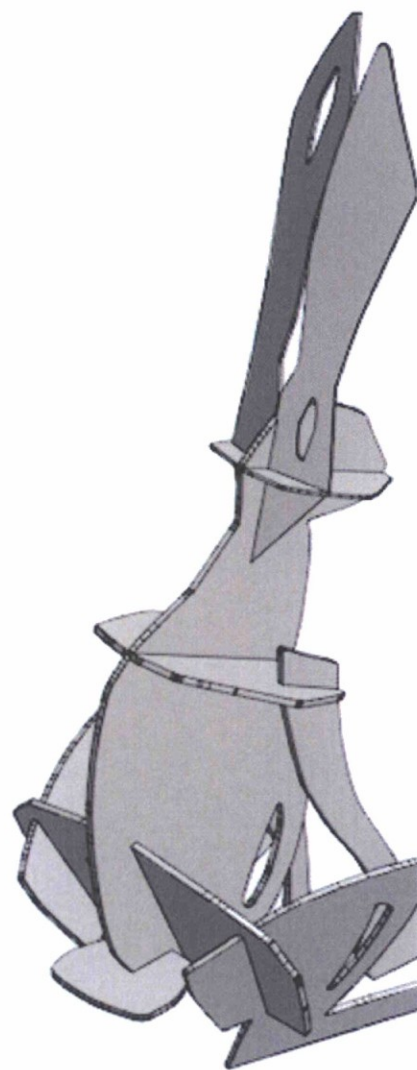
Gary Mascaro – Scottsdale Airport  
John Randall Nelson – Artist  
Steve Ziomek – Community Member  
Michael Braun – DWL Architects”

<https://scottsdalearts.org/wp-content/uploads/2016/08/Scottsdale-Public-Art-Advisory-Board-March-8-2017-Minutes-FINAL.pdf>

Here is John Randall Nelson’s Marshall Way Entry Feature “Rabbit, Rabbit, Rabbit” schematic and his “Jackalope” schematic, with the only visible difference to the public being the addition of the metal seat on the right leg.



ISOMETRIC - FRONT



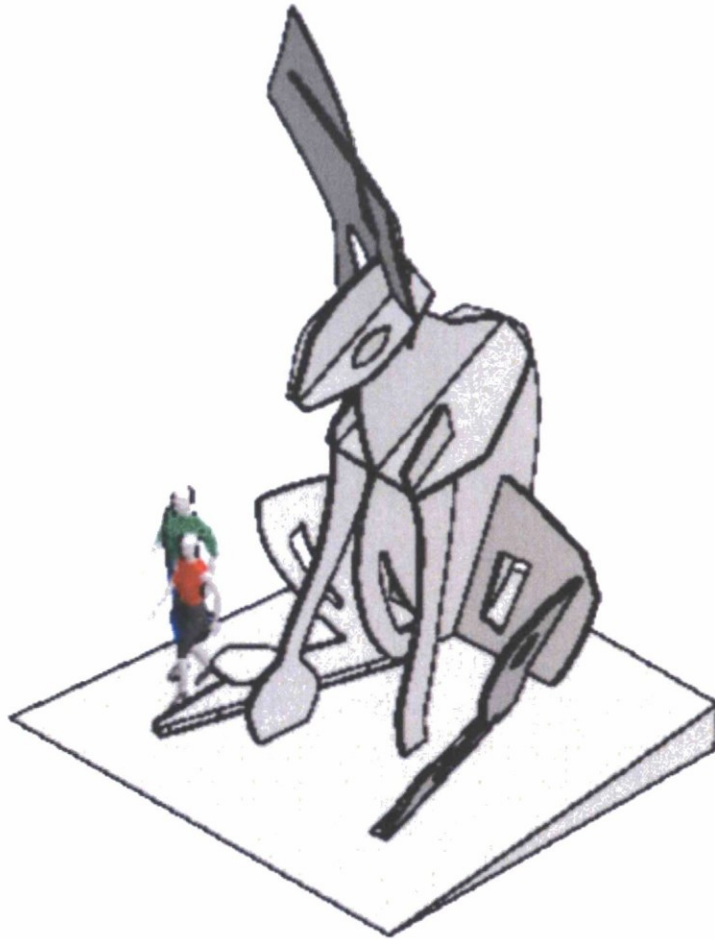
ISOMETRIC - REAR

## **RABBIT, RABBIT, RABBIT**

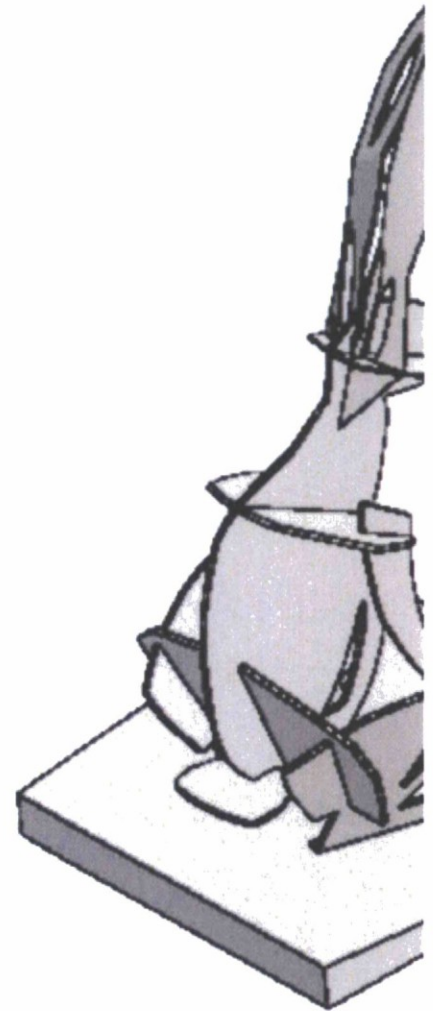
26' x 10' x 11', PAINTED STEEL PLATE

PRELIMINARY ITERATION  
MATERIAL: ASTM PLATE  
WEIGHT: 20,300 LBS. (APPROXIMATE)





ISOMETRIC - FRONT

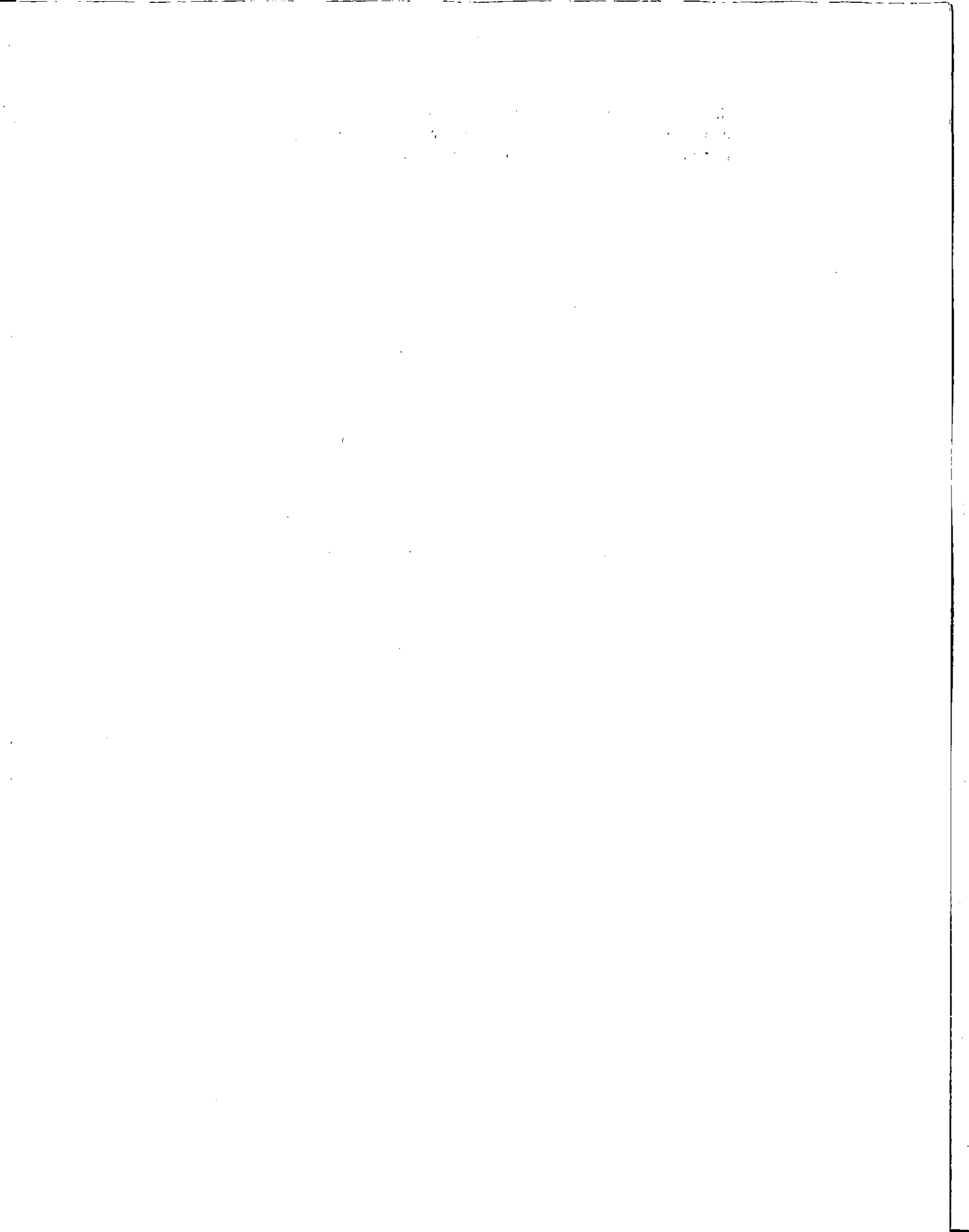


ISOMETRIC - R

# JACKALOPE

26' x 10' x 11', PAINTED STEEL PLATE

MATERIAL: ASTM A36 PLATE  
WEIGHT: 20,800 LBS. (APPROX.)





For reference, here is information on a "Black-Tailed Rabbit" [https://en.wikipedia.org/wiki/Black-tailed\\_jackrabbit](https://en.wikipedia.org/wiki/Black-tailed_jackrabbit) as well as on a "Jackalope" <https://en.wikipedia.org/wiki/Jackalope> which are two different things.

It appears that John Randall Nelson changed his "Rabbit" into a "Jackalope" after a meeting with the property owners next to the City's right of way at 7042 E. Indian School Road (in the Project Narrative), an address that will now apparently include a distillery. <http://www.azcentral.com/story/entertainment/dining/dominic-armato/2017/06/09/mma-fighter-holly-holm-brother-buys-eddies-house-scottsdale/384241001/>

Here is an excerpt from the Mar. 8, 2017, Scottsdale Public Art Board Meeting Minutes; "Public Art Manager, Kevin Vaughan-Brubaker provided details on the status of the Marshall Way Project. The project artist, John Randall Nelson, has submitted a revised design in response to recent meetings with property owners. The artist agreed to change his design to the mythical creature of a Jackalope agreeing that it fit with his original ideas for the project and communicates a whimsical nature while alluding to the kitschy Southwestern postcards and curios from the past decade. Mr. Vaughan-Brubaker presented the slight modifications to the ears to indicate a Jackalope by adding antler buds and referencing the mythical creature in the artist's new language for the plaque. These changes came about after a meeting with the Shipp family who own the property directly behind the statue location. The installation is planned to for May/June 2017, dependent on the outcome of Scottsdale Public Art's meeting with the DRB and approval of a building permit."

From the documentation that I've been able to compile through the City's Public Records, it is my understanding that City Council approved this "Marshall Way Entry Feature" as a Capital Improvement Project to be funded by bed-tax dollars with no pro forma, and that the City has already removed an entry feature at that location which was funded in part by bond money.

As a Scottsdale Citizen, it's disconcerting that this is how my City is stewarding bond money and spending bed tax dollars, in what appears to be appropriation and corruption.

Please take a moment to read the section entitled "Capital Project Management" from the Dec. 16, 2014, Tourism Development Commission Work Study Session Minutes. <http://www.scottsdaleaz.gov/AssetFactory.aspx?did=57042>

Here are some excerpts;

"Mr. Worth said the CIP General Fund will run out of money in year four unless projects are streamlined and/or additional money comes in from

outside partners. The City is obligated to pursue federal and county grants, and this matching grant money helps stretch the City's sales tax revenue. Despite this, the City still has a significant amount of unmet needs. City Council will soon decide whether to approve another bond election and how it would be structured."

"Mr. Worth reviewed tourism projects currently in the CIP. These include the Marshall Way entry feature; the Scottsdale Museum of the West; the public art project for WestWorld, the Tony Nelssen Equestrian Center; and the TPC clubhouse and stadium renovation. Most of the funding put towards the various studies regarding the DDC have not come out of the bed tax, but one study was funded with tourism money. While the DDC study appears in the FY2014/15 budget, it has mostly been paid off already. However, until it is officially finished and the contracts paid off, it has to be rebudgeted according to municipal budgeting practices.

Chairperson Scholefield asked about the steps taken to ensure that a bed tax funded project meets the eligibility requirements. Mr. Worth explained that when a project requests bed tax funding, Tourism is notified first. If they determine that the project qualifies, it is brought to the attention of the TDC. City Council has the prerogative to consider projects on short notice.

Chairperson Scholefield noted that the Marshall Way project just showed up on the proforma without explanation after it had been approved by City Council. The TDC never had a chance to consider it, even though City Council expects communication from the Commission. He said staff has the responsibility of providing information on City Council approved bed tax expenditures, along with the processes and procedures that were used to approve them. Mr. Worth agreed. Mr. Geiogamah said Tourism staff is monitoring City processes to identify projects that should come before the TDC."

Here is a copy of the Memorandum of Understanding that the City of Scottsdale has with Scottsdale Public Art.



LIVE THE ART. LOVE THE PLACE

## Memo of Understanding

**Date:** August 18, 2014

**From:** Donna Isaac, Scottsdale Cultural Council

**To:** Paul Katsenes, Economic Vitality  
Gary Meyer, COS Capital

**CC:** Melanie Gibson, CPM

**Re:** Marshall Way MOU

The City of Scottsdale and the Scottsdale Cultural Council agree to support public art with the development of **MARSHALL WAY**. This objective requires close coordination among the Scottsdale Cultural Council Public Art staff and other city departments. This correspondence is a memo of understanding from the Cultural Council to allow for project development. Any increase in funding must be mutually agreed upon.

**Project Name:** MARSHALL WAY  
**Project Source:** Economic Vitality  
**Agreement:** COS # Sec 5.2

Additional history, information, and documentation about this "Marshall Way Entry Feature" can be found in my email thread entitled "Marshall Way Enhancement Project Citizen Petition against the Humping Rabbit" in the City's Public Records, which starts out with a message to Councilwoman Milhaven, dated Jun. 6, 2014, and entitled "Marshall Way Enhancement Project Citizen Petition."

I have provided you with all of this information in due diligence. Since I am unfamiliar with the procedure of my City in this regard, please have the appropriate person/s contact me with regard to mediation options in order to resolve this dispute regarding the City of Scottsdale, Scottsdale Arts, and John Randall Nelson appropriating and corrupting my Bob Petley Jackalope homage idea and project.

As courtesy, I am copying the artist and the Scottsdale Arts project manager, as well as the property owners next to City's right of way at 7042 E. Indian School Road, the Shipp family. It should be noted that "the Shipp family" is Herb Shipp, and his son, Christopher aka Blen, who are son and grandson of Earl Shipp. [http://www.eastvalleytribune.com/local/the\\_valley/earl-shipp-remembered-as-a-builder/article\\_94aa06ef-9be9-569d-a2af-32dbbae7b85b.html](http://www.eastvalleytribune.com/local/the_valley/earl-shipp-remembered-as-a-builder/article_94aa06ef-9be9-569d-a2af-32dbbae7b85b.html)

Dan Semenchuk

P.S. In my opinion, "Scottsdale Public Art" has become nothing more than an event production company aka "Canal Convergence," and on the part of my City, should be treated as such, just like my City treats the "Parada del Sol" and other Downtown Scottsdale events.

## Perone, Steve

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**From:** Dan Semenchuk <dan@creativeconnect.org>  
**Sent:** Wednesday, November 01, 2017 3:21 PM  
**To:** Stockwell, Brent  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; Kim Curry Evans; Kevin Vaughan-Brubaker  
**Subject:** Re: Citizen Petition against Scottsdale Public Art and the Marshall Way Enhancement Project

Brent,

Thanks for the feedback.

Yes, I had already gone to the website that day, and saw that it was postponed until Nov. 2.

I also see that tomorrow's meeting has now been cancelled. [http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-agendas/11-02-17\\_Cancellation\\_Notice.pdf](http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-agendas/11-02-17_Cancellation_Notice.pdf)

I see that the hearing is now scheduled for Dec.

7 <https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/47302> and that the Development Review Staff Report Project

Narrative [http://eservices.scottsdaleaz.gov/planning/projectsummary/dr\\_reports/DR\\_15\\_DR\\_2017.pdf](http://eservices.scottsdaleaz.gov/planning/projectsummary/dr_reports/DR_15_DR_2017.pdf) still references a "Jackalope" for this tourist-dollar-funded archway-turned-into-art project. To restate, I am currently working on a Bob Petley Jackalope homage, and believe that the City has appropriated my concept and intellectual property by referring to this as a "Jackalope," in that I shared my idea with the Mayor's Chief of Staff in August of 2014. I truly wish I could be spending more of my time on that project, instead of documenting the City's lack of fiscal stewardship and lack of support for its creative community.

I also see that Guy Phillips has replaced David Smith as City Council Representative on the Development Review Board. <http://www.scottsdaleaz.gov/boards/development-review-board>

I also see that the City uses "NextDoor," which I and most Citizens don't use, to suggest that we are being notified of the City's activities. <https://nextdoor.com/agency-post/az/scottsdale/scottsdale-planning-development-services/neighborhood-notification-planning-development-request-47819345/>

I just wanted to document how difficult the City makes it for us, and how it appears that the City makes most of its decisions behind closed doors. As with the "City Flag Challenge," I'm working my way through the City's citizen petition, ballot initiative, legal action, etc. process, in order to determine how to affect positive change for the Citizens and creative community, and move the City away from its outdated style of government.

Thanks,  
Dan

On Oct 19, 2017, at 11:19 AM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

**Perone, Steve**

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**From:** Stockwell, Brent  
**Sent:** Thursday, October 19, 2017 11:20 AM  
**To:** Dan Semenchuk  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; Kim Curry Evans; Kevin Vaughan-Brubaker  
**Subject:** RE: Citizen Petition against Scottsdale Public Art and the Marshall Way Enhancement Project

Dan,

Thanks for your input and ideas.

To clarify - this item, while posted for today's Development Review Board meeting as noted, was not included on today's agenda and will not heard today.

Sincerely,  
Brent Stockwell  
Assistant City Manager  
480-312-7288

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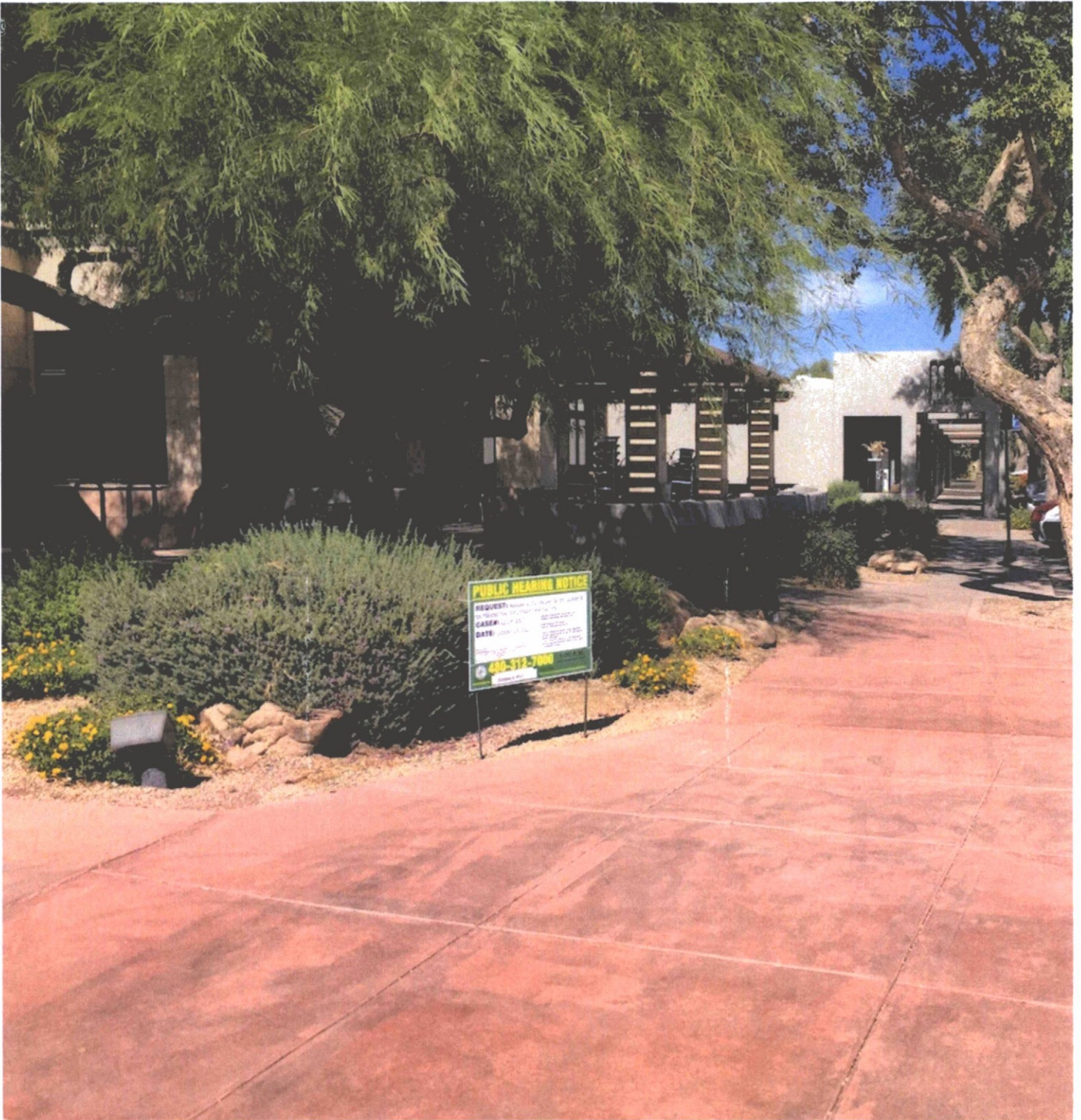
**From:** Dan Semenchuk [mailto:dan@creativeconnect.org]  
**Sent:** Thursday, October 19, 2017 10:03 AM  
**To:** Stockwell, Brent <BStockwell@scottsdaleaz.gov>  
**Cc:** Phillips, Guy <GPhillips@Scottsdaleaz.gov>; Klapp, Suzanne <SKlapp@scottsdaleaz.gov>; Korte, Virginia <VKorte@Scottsdaleaz.gov>; Milhaven, Linda <LMilhaven@scottsdaleaz.gov>; Lane, Jim <JLane@ScottsdaleAZ.Gov>; Littlefield, Kathy <KLittlefield@Scottsdaleaz.gov>; Smith, David N <DnSmith@Scottsdaleaz.gov>; Venker, Steve <JVenker@Scottsdaleaz.gov>; Meyer, Gary <GMeyer@scottsdaleaz.gov>; Walker, Sharron <SWalker@scottsdaleaz.gov>; Washburn, Bruce <bwashburn@scottsdaleaz.gov>; Jagger, Carolyn <cjagger@scottsdaleaz.gov>; Worth, Daniel <DaWorth@scottsdaleaz.gov>; Thompson, Jim <JThompson@Scottsdaleaz.gov>; Churchard, Karen <KChurchard@Scottsdaleaz.gov>; Grant, Randy <RGrant@Scottsdaleaz.gov>; Basha, Paul <PBasha@Scottsdaleaz.gov>; Casey, Danielle <DCasey@Scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>  
**Subject:** Re: Citizen Petition against Scottsdale Public Art and the Marshall Way Enhancement Project

Brent,

I walked from Sip Coffee & Beer House to Cartel Coffee Lab last week, and experienced the sidewalk improvements along Marshall Way. I also noticed the sidewalk improvement on the northwest corner of Marshall Way and Indian School Road, which looks like this.



I also noticed a public hearing notice, scheduled for today, and this message serves as my public comment.



My suggestion is to remove the tree by the Range Rover to open up this corner even more. You can see in the previous picture that the light pole is located in the center of the crosswalk, and serves as a visual blockade to the street, along with the tree. Most people, being unfamiliar, are not going to venture down as street unless it is airy.

It's why this corner is the wrong location for the Giant Pink Humping Rabbit. I've created this Photoshop comp to show what the corner looks like, and what it will look like with another obstruction.



Please compare the northwest corner to the northeast corner. Picture what the northwest corner could look like without the tree by the Range Rover, and the other trees trimmed back and lit. The idea is to draw people in, not block them out. Please scroll down through this thread to see the scale of installation — “Four Letter Words” — that the artist originally proposed for this corner.

If the City feels that it’s important to put a “beacon” on that side of Indian School Road, I think that it should go on top of the Salon Tru building.

Thanks,  
Dan

On Sep 19, 2017, at 7:10 PM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Dan,

You asked: Did City Staff go back to City Council to approve this additional funding?

Response: Yes. The project is in the Capital Improvement Plan which is reviewed and approved by the City Council as part of the budget process. The total project cost of \$157k is on page 48 of the [FY 2017/18 Capital Improvement Plan](#). (In addition, the Downtown Cultural Trust was set up by the City

## Perone, Steve

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**From:** Stockwell, Brent  
**Sent:** Tuesday, September 19, 2017 7:11 PM  
**To:** Dan Semenchuk  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board  
**Subject:** RE: Citizen Petition against Scottsdale Public Art and the Marshall Way Enhancement Project

Dan,

You asked: Did City Staff go back to City Council to approve this additional funding?

Response: Yes. The project is in the Capital Improvement Plan which is reviewed and approved by the City Council as part of the budget process. The total project cost of \$157k is on page 48 of the [FY 2017/18 Capital Improvement Plan](#). (In addition, the Downtown Cultural Trust was set up by the City Council by ordinance and funds "shall only be used for the cost of artwork, excluding event-based artwork, on property in the Downtown Area." The additional funding followed the [process set out in ordinance](#) and did not require additional City Council approval).

You asked: Beyond City Council vote, what is the action needed to supersede in order to discontinue the connection that the City has with Scottsdale Public Art as a Contractor? Is it citizen petition, ballot initiative, legal action, or what?

Response: I cannot provide advice on your options, however, the provisions on initiative and referendum are found in [Article 10 of the City Charter](#).

Sincerely,  
Brent Stockwell  
Assistant City Manager  
480-312-7288

**From:** Dan Semenchuk [mailto:dan@creativeconnect.org]  
**Sent:** Monday, September 18, 2017 5:05 PM  
**To:** Stockwell, Brent <BStockwell@scottsdaleaz.gov>  
**Cc:** Phillips, Guy <GPhillips@Scottsdaleaz.gov>; Klapp, Suzanne <SKlapp@scottsdaleaz.gov>; Korte, Virginia <VKorte@Scottsdaleaz.gov>; Milhaven, Linda <LMilhaven@scottsdaleaz.gov>; Lane, Jim <JLane@ScottsdaleAZ.Gov>; Littlefield, Kathy <KLittlefield@Scottsdaleaz.gov>; Smith, David N <DnSmith@Scottsdaleaz.gov>; Venker, Steve <JVenker@Scottsdaleaz.gov>; Meyer, Gary <GMeyer@scottsdaleaz.gov>; Walker, Sharron <SWalker@scottsdaleaz.gov>; Washburn, Bruce <bwashburn@scottsdaleaz.gov>; Jagger, Carolyn <cjagger@scottsdaleaz.gov>; Worth, Daniel <DaWorth@scottsdaleaz.gov>; Thompson, Jim <JThompson@Scottsdaleaz.gov>; Churchard, Karen <KChurchard@Scottsdaleaz.gov>; Grant, Randy <RGrant@Scottsdaleaz.gov>; Basha, Paul <PBasha@Scottsdaleaz.gov>; Casey, Danielle <DCasey@Scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>  
**Subject:** Re: Citizen Petition against Scottsdale Public Art and the Marshall Way Enhancement Project

Brent,

I can empathize with your frustration, and by now, hopefully you've gotten a sense of mine, as a Citizen.

## Perone, Steve

---

**From:** Dan Semenchuk <dan@creativeconnect.org>  
**Sent:** Monday, September 18, 2017 5:05 PM  
**To:** Stockwell, Brent  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board  
**Subject:** Re: Citizen Petition against Scottsdale Public Art and the Marshall Way Enhancement Project

Brent,

I can empathize with your frustration, and by now, hopefully you've gotten a sense of mine, as a Citizen.

As I've stated before, I'm continuing to compile and enter documentation into Public Record as requisite effort. You've requested that I pose specific questions, which I am trying to do. Most have been answered, some have not. Granted, questions like, "Would you please explain the City's logic in putting a blockade or obstruction right in the middle of what should be a sidewalk?" or, "Why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature (arch) on this art project ('sculpture')?" might be somewhat rhetorical.

I do have a specific "yes or no" question that I would like answered.

On Oct. 7, 2014, City Auditor Sharron Walker wrote "...to exceed the approved budget, City staff would need to return to the Council for approval of additional funding." City Council approved a budget of \$150,000 for this project.

You wrote; "Please note that there has also been \$7,200 approved by the Zoning Administrator for Downtown Cultural Trust funds to cover lighting materials/fixtures (\$6,183) and for additional engineering and document creation (\$1,017) for the Development Review Board process. There may be additional costs not included in the above as a result of having to modify the site location to address DRB concerns." You also wrote; "In addition, \$7,000 in General Funds was added to the project to cover city work order credits typically charged for city capital projects..."

The "yes or no" question is;

Did City Staff go back to City Council to approve this additional funding?

I'm asking these questions because this is the first Capital Improvement/Public Art project that I've been tracking from the beginning, as a way to record City policies, processes, practices, and expenditures. I am also looking into the Thomas Road Bridge, the Soleri Bridge, and the Main Street Arch as recent and related examples of Capital Improvement/Public Art projects and City spending.

It was former City Treasurer, now Councilman, David Smith who made this statement; "Unfortunately, the Budget isn't sustainable and hasn't been for several years. That's because the money we budget for capital improvements is woefully short of the amount needed. For the fourth year in a row, your city's net depreciable assets declined. In the private sector, that's called business liquidation." I believe that projects like this one are contributing to the City's unsustainable Budget, in that they have no return, but instead, ongoing cost to the Citizens.

From what I've been able to compile so far, the City has a track record with Scottsdale Public Art on unnecessary and costly Capital Improvement/Public Art projects like this one. Those of us in South Scottsdale are especially burdened and impacted.

That's why I'm now asking the City Manager's Office for specific action needed to stop the City from contracting with Scottsdale Public Art, and instead, let the Citizens be responsible for our public art, should we choose to put up any.

Scottsdale's most photographed public art was donated to the City by an artist and gallery owner. We would like for the City to use the money that they have been spending with and through Scottsdale Public Art to preserve what we already have, and restore some of what we've lost. The City is in the fiscal stewardship business, not the branding business, which should be left up to the Citizens. I think that I've made it clear by now that my objective is to help restore the creative community, [a community that once branded Scottsdale and made it an attraction](#), and to have the City support that community, rather than, and allow others to, chase it away.

From what I can tell, City Council has made it clear that they don't intend to change the connection that the City has with Scottsdale Public Art.

So I will ask another question as directly as possible.

Beyond City Council vote, what is the action needed to supersede in order to discontinue the connection that the City has with Scottsdale Public Art as a Contractor?

Is it citizen petition, ballot initiative, legal action, or what?

I believe that continuing to have Scottsdale Public Art in a position of control over our character, art and culture in Downtown/South Scottsdale will continue to hamper economic development and tourism efforts.

Thanks,  
Dan

On Sep 7, 2017, at 7:59 AM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

It seems we are covering the same ground over and over.

It's clear that you don't want the project and you have made that known to the City of Scottsdale and to Scottsdale Public Art.

The project will proceed through the process unless directed differently by the City Council.

Thank you for your input.

Sincerely,  
Brent Stockwell  
Assistant City Manager  
480-312-7288

**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]

**Sent:** Monday, September 4, 2017 10:49 AM

**To:** Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>

**Cc:** Phillips, Guy <[GPhillips@Scottsdaleaz.gov](mailto:GPhillips@Scottsdaleaz.gov)>; Klapp, Suzanne <[SKlapp@scottsdaleaz.gov](mailto:SKlapp@scottsdaleaz.gov)>; Korte, Virginia <[VKorte@Scottsdaleaz.gov](mailto:VKorte@Scottsdaleaz.gov)>; Milhaven, Linda <[LMilhaven@scottsdaleaz.gov](mailto:LMilhaven@scottsdaleaz.gov)>; Lane, Jim <[JLane@ScottsdaleAZ.Gov](mailto:JLane@ScottsdaleAZ.Gov)>; Littlefield, Kathy <[KLittlefield@Scottsdaleaz.gov](mailto:KLittlefield@Scottsdaleaz.gov)>; Smith, David N <[DnSmith@Scottsdaleaz.gov](mailto:DnSmith@Scottsdaleaz.gov)>; Venker, Steve <[JVenker@Scottsdaleaz.gov](mailto:JVenker@Scottsdaleaz.gov)>; Meyer, Gary <[GMeyer@scottsdaleaz.gov](mailto:GMeyer@scottsdaleaz.gov)>; Walker, Sharron <[SWalker@scottsdaleaz.gov](mailto:SWalker@scottsdaleaz.gov)>; Washburn, Bruce <[bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)>; Jagger, Carolyn <[cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)>; Worth, Daniel

**Perone, Steve**

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**From:** Stockwell, Brent  
**Sent:** Thursday, September 07, 2017 7:59 AM  
**To:** Dan Semenchuk  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; John Nelson; Kevin Vaughan-Brubaker; Neale Perl; Herb Shipp; C.B. Shipp  
**Subject:** RE: Response to additional questions regarding Marshall Way Entry Feature

Hello Dan,

It seems we are covering the same ground over and over.

It's clear that you don't want the project and you have made that known to the City of Scottsdale and to Scottsdale Public Art.

The project will proceed through the process unless directed differently by the City Council.

Thank you for your input.

Sincerely,  
Brent Stockwell  
Assistant City Manager  
480-312-7288

---

**From:** Dan Semenchuk [mailto:dan@creativeconnect.org]  
**Sent:** Monday, September 4, 2017 10:49 AM  
**To:** Stockwell, Brent <BStockwell@scottsdaleaz.gov>  
**Cc:** Phillips, Guy <GPhillips@Scottsdaleaz.gov>; Klapp, Suzanne <SKlapp@scottsdaleaz.gov>; Korte, Virginia <VKorte@Scottsdaleaz.gov>; Milhaven, Linda <LMilhaven@scottsdaleaz.gov>; Lane, Jim <JLane@ScottsdaleAZ.Gov>; Littlefield, Kathy <KLittlefield@Scottsdaleaz.gov>; Smith, David N <DnSmith@Scottsdaleaz.gov>; Venker, Steve <JVenker@Scottsdaleaz.gov>; Meyer, Gary <GMeyer@scottsdaleaz.gov>; Walker, Sharron <SWalker@scottsdaleaz.gov>; Washburn, Bruce <bwashburn@scottsdaleaz.gov>; Jagger, Carolyn <cjagger@scottsdaleaz.gov>; Worth, Daniel <DaWorth@scottsdaleaz.gov>; Thompson, Jim <JThompson@Scottsdaleaz.gov>; Churchard, Karen <KChurchard@Scottsdaleaz.gov>; Grant, Randy <RGrant@Scottsdaleaz.gov>; Basha, Paul <PBasha@Scottsdaleaz.gov>; Casey, Danielle <DCasey@Scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; John Nelson <whonelson@cox.net>; Kevin Vaughan-Brubaker <KevinV@scottsdalearts.org>; Donna Isaac <DIsaac@scottsdalearts.org>; Herb Shipp <canyonrider@mac.com>; C.B. Shipp <blen@mac.com>  
**Subject:** Re: Response to additional questions regarding Marshall Way Entry Feature

Brent,

Why is the City putting an unnecessary "sculpture" or obstruction on this corner, instead of creating pedestrian thoroughfare?



If you look at the picture, you're putting up a blockade or obstruction right in the middle of what should be a sidewalk. Would you please explain the City's logic?

Also, some unanswered questions from previous email messages;

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature (arch) on this art project ("sculpture")?

How many "final designs" has this project now had?

In an email message dated Jul. 24, 2014, Sharron Walker wrote;

"A City public art project is considered to be a Capital Improvement Project. While Scottsdale Public Art handles the artist/art selection, City staff still manages and pays for the project. City staff has established a CIP for this project."

On Oct. 6, 2014, I posed this question to Sharron;

"Also, is your department able to approximate the amount of time and taxpayer dollars spent on the part of City Staff and Council on the Marshall Way Entry Feature to date, in addition to the \$150,000 expenditure intended to go to Scottsdale Public Art and the artist that they contract?"

On Oct. 7, 2014, Sharron responded:

"Most City staff are not required to prepare detailed project timesheets (and Council members are not). The City uses cost allocations to approximate the staff time and effort spent on the various capital projects. These costs would be charged to the same project budget, and to exceed the approved budget, City staff would need to return to the Council for approval of additional funding."

On that basis, did City Staff go back to City Council for approval of the additional funding that you've listed for this now "sculpture" which was approved as an arch and what the Miami FL artists were working on and paid for?

If so, would you please direct me to that documentation?

Otherwise, there appears to be continuing mismanagement and lack of professional competence on the part of City Staff, and lack of stewardship and oversight on the part of City Council, on just this one small project, yet a project that ties into previous projects like the Thomas Road Bridge, the Soleri Bridge, the Museum of the West, Westworld, and the proposed Desert Discovery Center (which appropriated the Barstow CA brand) now Desert EDGE (which appropriates the brand of an educational institution in Goodyear <https://www.aguafria.org/dehs>).

It seems that Capital Improvement Projects like these, and the City's questionable practices, are driving the Citizens deeper into debt.

Thanks,  
Dan

P.S. Please note that the arch was just one of the projects that the Scottsdale Gallery Association was looking to have funded and approved, and that Bentley Calverley's building on the northeast corner of Marshall Way and 3rd Ave. is vacant. <http://archive.azcentral.com/community/scottsdale/articles/20121113merchants-push-marshall-way-revitalization.html>

On Aug 18, 2017, at 9:05 AM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

To clarify, my understanding is that Scottsdale Public Art plans to announce the new title once the project receives a decision from the Development Review Board. The location is an issue raised by the DRB, so Scottsdale Public Art is working to site the sculpture appropriately at that location to address their concerns. A design is not "final" until it receives all necessary approvals.

The city did not expend any additional funds to remove the 1990-era entry feature and boulders. It was done using existing city equipment and staff time.

The city has an existing project to improve pedestrian accessibility Downtown, I have suggested to the project manager that removal of the boulders on Marshall Way (and other locations within Downtown) be considered as part of that project.

Below is a summary of the costs to date on this project that was reported by Scottsdale Public Art and the City's Public Works Department:

	Project Budget
Original Amount	\$150,000
LESS City Project Costs	(10,000)

LESS Artist Selection Costs	(4,600)
LESS Original Artist Design Costs	(17,000)
LESS Alternate Artist Design Costs	(9,000)
LESS Fabrication Process Costs	(56,000)
	<u>\$53,400</u>

Please note that there has also been \$7,200 approved by the Zoning Administrator for Downtown Cultural Trust funds to cover lighting materials/fixtures (\$6,183) and for additional engineering and document creation (\$1,017) for the Development Review Board process. There may be additional costs not included in the above as a result of having to modify the site location to address DRB concerns.

City staff do fill out online time sheets on a bi-weekly basis, however time is charged to funds and cost centers, not to individual projects. An exception to this is the city's capital project management group, which does charge time to specific capital projects. This is how the \$10,000 withheld for city project costs is being charged, of which \$6,041 has been spent to date. In addition, \$7,000 in General Funds was added to the project to cover city work order credits typically charged for city capital projects, of which \$651 has been spent to date.

Many thanks. Sincerely,

Brent Stockwell  
Assistant City Manager  
480-312-7288

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**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]  
**Sent:** Monday, August 7, 2017 4:59 PM  
**To:** Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>  
**Cc:** Phillips, Guy <[GPhillips@Scottsdaleaz.gov](mailto:GPhillips@Scottsdaleaz.gov)>; Klapp, Suzanne <[SKlapp@scottsdaleaz.gov](mailto:SKlapp@scottsdaleaz.gov)>; Korte, Virginia <[VKorte@Scottsdaleaz.gov](mailto:VKorte@Scottsdaleaz.gov)>; Milhaven, Linda <[LMilhaven@scottsdaleaz.gov](mailto:LMilhaven@scottsdaleaz.gov)>; Lane, Jim <[JLane@ScottsdaleAZ.Gov](mailto:JLane@ScottsdaleAZ.Gov)>; Littlefield, Kathy <[KLittlefield@Scottsdaleaz.gov](mailto:KLittlefield@Scottsdaleaz.gov)>; Smith, David N <[DnSmith@Scottsdaleaz.gov](mailto:DnSmith@Scottsdaleaz.gov)>; Venker, Steve <[JVenker@Scottsdaleaz.gov](mailto:JVenker@Scottsdaleaz.gov)>; Meyer, Gary <[GMeyer@scottsdaleaz.gov](mailto:GMeyer@scottsdaleaz.gov)>; Walker, Sharron <[SWalker@scottsdaleaz.gov](mailto:SWalker@scottsdaleaz.gov)>; Washburn, Bruce <[bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)>; Jagger, Carolyn <[cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)>; Worth, Daniel <[DaWorth@scottsdaleaz.gov](mailto:DaWorth@scottsdaleaz.gov)>; Thompson, Jim <[JThompson@Scottsdaleaz.gov](mailto:JThompson@Scottsdaleaz.gov)>; Churchard, Karen <[KChurchard@Scottsdaleaz.gov](mailto:KChurchard@Scottsdaleaz.gov)>; Grant, Randy <[RGrant@Scottsdaleaz.gov](mailto:RGrant@Scottsdaleaz.gov)>; Basha, Paul <[PBasha@Scottsdaleaz.gov](mailto:PBasha@Scottsdaleaz.gov)>; Casey, Danielle <[DCasey@Scottsdaleaz.gov](mailto:DCasey@Scottsdaleaz.gov)>; Development Review Board <[DevelopmentReviewBoard@Scottsdaleaz.gov](mailto:DevelopmentReviewBoard@Scottsdaleaz.gov)>; John Nelson <[whonelson@cox.net](mailto:whonelson@cox.net)>; Kevin Vaughan-Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)>; Herb Shipp <[canyonrider@mac.com](mailto:canyonrider@mac.com)>; C.B. Shipp <[blen@mac.com](mailto:blen@mac.com)>; Vickie Petley <[vickiepetley@gmail.com](mailto:vickiepetley@gmail.com)>  
**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

Just so you know, I'm compiling costs and determining a location for the Bob Petley Jackalope homage project, and working on a unique concept that I believe will draw attention to Downtown Scottsdale.

With regard to the Marshall Way Entry Feature, the earliest record of the City communicating with Scottsdale Public Art on this project is June 27, 2012, and this based on information that I received through City Public Records.

On that basis, could you please clarify your statement; Scottsdale Public Art is planning "to announce the title once the final design and location is set"?

How many "final designs" has this project now had?

Why is location still an issue?

According to City Public Records, this entry feature has to be at Marshall Way and Indian School Road.

Also, please read through this email thread, which you were not copied on, with regard to the entry feature that the City has already removed at that location.

I would start at the bottom and work up.

I would also like for the Development Review Board to read through it as well, in that the email thread contains information not only on the history of this project, but also on other similar City projects.

Would you please clarify and be specific as to how exactly the City is spending the \$150,000 in tourism dollars allocated for this project? To re-state, the total budget for the Marshall Way Entry Feature is not to exceed \$150,000 and is all inclusive.

How much did it cost the City to remove the existing entry feature?

In an email dated Oct. 29, 2014, City Auditor Sharron Walker stated; "The budget document that you attached to your email showed a \$140,000 total, which would leave \$10,000 in the City project budget for other costs."

The document that I had attached in my email message was page 19 from the Miami FL artists Marshall Way Entry Feature proposal, which is as follows;

ESTIMATED BUDGET - SEPTEMBER 19, 2014

Fabrication and materials — \$70,000.00

Installation — \$18,000.00

Foundation — \$15,000.00

Engineering & Permitting — \$5,000.00

Insurance — \$2,300.00

Crating/Shipping — \$4,500.00

Artist Design and Oversight (18%) — \$25,200.00

TOTAL — \$140,000.00

If you don't have their entire proposal, please let me know, and I'll forward it. These Miami FL artists were fired and paid \$15,000, and this left \$125,000 from their \$140,000 total.

In an email message entitled "RE: Marshall Way Enhancement Project Citizen Petition against the Humping Rabbit" and dated Nov. 17, 2016, you made this statement; "\$15,000 has been paid to the prior artist, and the current artist has a budget of \$120,000 to cover artist fees and local fabrication of the project."

This being the case, where was the \$5,000 difference between the \$125,000 and \$120,000 spent?

What exactly has been happening with the \$10,000 that Sharron stated was intended for "other costs"?

Would you please delineate all these costs? City Staff has been spending time a lot of time on this Marshall Way Entry Feature, based on Public Records documentation.

In an email message entitled "Marshall Way Project Questions & Follow Up" dated Apr. 10, 2015 Steve Geiogamah, stated "Approximately \$5,000 will be held back to cover the costs of City staff for this project" and he also stated that time spent on the part of the City up to that point amounted to \$1477, which seemed ridiculously low, in that Staff had been working on this project for almost three years at that point (it started with Ben Moriarity in at least June of 2012). It's now five years later, and it seems like Staff has spent a whole lot more than \$5,000, and even \$10,000 for "other costs," with still nothing to show the Citizens, other than a hole in the ground, which now needs something to cover it.

As I've suggested on multiple occasions, use the money, or what's left, to remove the rest of the hazardous boulders along Marshall Way, 5th Avenue, and Stetson Drive, and replace those areas with tourist-friendly sidewalks. If you would like additional opinion about the boulders, please check with Architect Doug Sydnor. <https://www.arcadiapublishing.com/Products/9780738578774> He can tell you about when the City first proposed putting them into the sidewalks.

Otherwise, it seems to me that if Staff isn't being required to fill out time sheets, there is no accounting for how Staff is spending time. When I worked in the private sector, we filled out time sheets so we could account for how we were spending our time to the benefit of our Clients, and we then got paid for our time through documentation. It's the nature of any professional services organization. There doesn't seem to be that same accountability on the part of Staff, and this would be a good way for City Staff to demonstrate "professionalism" to the Citizens.

Thanks,  
Dan

On Aug 4, 2017, at 5:05 PM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Yes, the Development Review Board had concerns about the site location so they continued the item to a future date. Scottsdale Public Art is working to address the concerns and plans to go back to DRB in September or October.

Yes, Scottsdale Public Art is considering different titles for the artwork and not calling it "Jackalope." They plan to announce the title once the final design and location is set.

The Public Works Department removed the existing sign and boulders to prepare the site for the artwork based on the initial schedule of installation of February 2017.

There is no estimate of staff time associated with this project. The only costs to date have been incurred by Scottsdale Public Art.

Sincerely,  
Brent Stockwell  
Assistant City Manager  
480-312-7288

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**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]  
**Sent:** Wednesday, August 2, 2017 4:26 PM  
**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

It looks like the Development Review Board has chosen to continue this case. [http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-minutes/07-06-17 Approved Minutes.pdf](http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-minutes/07-06-17%20Approved%20Minutes.pdf)

In the meantime, why did the City already remove the existing entryway monument and create an eyesore?

Also, I am still awaiting your responses to these questions;

From a project management standpoint, would you please provide me some insight as to why the City just doesn't stop calling this art project a "Jackalope," knowing that it's costing more taxpayer dollars to do so? Wouldn't it make more sense to call it what it is, a rabbit, and be done with it?

Would you please provide an estimate of time/cost on the part of the City for this project to date?

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature on this art project?

And if you would, please postpone this project and be patient with me as I continue to seek counsel. I have been unable to speak with one of my Advisory Board Members [http://www.creativeconnect.org/assets/docs/09 2015 Overview.pdf](http://www.creativeconnect.org/assets/docs/09%202015%20Overview.pdf) in that he's been out of the country coaching the South Sudan Basketball Team, but is also a Mediation/Litigation Attorney.

Finally, I was recently told that Scottsdale has the highest per capita debt of any Valley municipality, and will be looking into that as well.

Thanks,  
Dan

On Jul 6, 2017, at 11:09 AM, Dan Semenchuk  
<[dan@creativeconnect.org](mailto:dan@creativeconnect.org)> wrote:

Brent,

I know that you've been communicating separately with Vickie Petley, Bob Petley's daughter, and that she has expressed her frustration over this situation and this project. She doesn't feel like our City is showing support and respect, and it appears that her request to the City is "without merit" as well. So, she will be seeking counsel to see what she can do to protect her father's creative work by not having this Giant Pink Humping Rabbit referred to as a "Jackalope." Again, the City's Project Narrative states; "For over 50 years Jackalope postcards have been a classic Southwestern souvenir" clearly referencing her father's work. It appears that the City is also compelling me to seek counsel as well in order to protect my idea of creating an homage project for her father, which would look nothing like the "Jackalope" the City is putting up.

On that basis, would you please ask the City to put a hold on this project until Vickie and I have had a chance to explore our options? The City has been working on this project since 2013 and there is no deadline for it.

In the meantime, from a project management standpoint, would you please provide me some insight as to why the City just doesn't stop calling this art project a "Jackalope," knowing that it's costing more taxpayer dollars to do so? Wouldn't it make more sense to call it what it is, a rabbit, and be done with it?

Again, would you please provide an estimate of time/cost on the part of the City for this project to date?

I am also restating my request to the Development Review Board to postpone reviewing this case, for several reasons, one of which is the location.

In spite of what the City believes, I believe that an art project of this scale is not appropriate for that location and corner.

It also has to do with the nature of the artwork itself at that location, hence the "crotch shot." Since Councilman Smith sits on the Development Review Board, and his wife sits on the Scottsdale Arts Advisory Board, I am also making my request directly to him:

On a side note, Councilman Smith recently wrote in a promotional newsletter; "Council adopted a Balanced Budget for next year... that's good! Unfortunately, the Budget isn't sustainable and hasn't been for several years. That's because the money we budget for capital improvements is woefully short of the amount needed. For the fourth year in a row, your city's net depreciable assets declined. In the private sector, that's called business liquidation."

City Council approved money for this as a Capital Improvement Project entryway feature, not an art project, which as documented and by definition are two completely different things. The Miami FL artists were clearly working on an entryway feature, and artist John Randall Nelson is clearly working an art project, a project with no tie-in to Marshall Way.

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature on this art project?

Thanks,  
Dan

On Jul 5, 2017, at 6:21 PM, Stockwell, Brent  
<[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Thank you for your email. To respond to your direct questions:

As I stated before, the city reviewed your request and found it without merit. As a result, there would be no need for the city to mediate regarding this issue.

The City of Scottsdale has an agreement with Scottsdale Cultural Council (dba Scottsdale Arts) for management and administration of public art. Per the agreement, "the city shall not make any decisions pertaining to the design, selection and management of City Artwork, including the selection of artists." As a result, any questions or concerns about public art should be directed directly to Scottsdale Arts. They have the ability to make decisions about design of public art.

To clarify, the item on the July 6 Development Review Board agenda is to approve the site plan for the location and lighting of this project. The art work itself, and the name of the artwork, is outside the scope of the Development Review Board.

I've not pulled the most recent employee statistics but 30% seems accurate. As I've mentioned before, in November 1967 the Scottsdale voters removed a requirement from the Scottsdale City Charter that employees be Scottsdale residents. Only officers of the city (city attorney, city auditor, city clerk, city manager, city treasurer) are required to live within the city limits. So staff are not required to reside in Scottsdale, and it would be unfair to judge their professional competence and commitment based on home address.

I realize my responses are not what you are wanting, but this is the process I must follow unless directed differently by the City Council.

Sincerely,

Brent Stockwell, Assistant City Manager  
Scottsdale City Hall, 3939 N. Drinkwater Blvd.,  
Scottsdale, AZ 85251  
[BStockwell@ScottsdaleAZ.gov](mailto:BStockwell@ScottsdaleAZ.gov) | 480-312-7288

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**From:** Dan Semenchuk  
[\[mailto:dan@creativeconnect.org\]](mailto:dan@creativeconnect.org)  
**Sent:** Wednesday, July 5, 2017 9:45 AM  
**To:** Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>  
**Cc:** Phillips, Guy <[GPhillips@Scottsdaleaz.gov](mailto:GPhillips@Scottsdaleaz.gov)>; Klapp, Suzanne <[SKlapp@scottsdaleaz.gov](mailto:SKlapp@scottsdaleaz.gov)>; Korte, Virginia <[VKorte@Scottsdaleaz.gov](mailto:VKorte@Scottsdaleaz.gov)>; Milhaven, Linda

<[LMilhaven@scottsdaleaz.gov](mailto:LMilhaven@scottsdaleaz.gov)>; Lane, Jim  
<[JLane@ScottsdaleAZ.Gov](mailto:JLane@ScottsdaleAZ.Gov)>; Littlefield, Kathy  
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<[GMeyer@scottsdaleaz.gov](mailto:GMeyer@scottsdaleaz.gov)>; Walker, Sharron  
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Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)>; Herb Shipp  
<[canyonrider@mac.com](mailto:canyonrider@mac.com)>; C.B. Shipp <[blen@mac.com](mailto:blen@mac.com)>;  
Vickie Petley <[vickiepetley@gmail.com](mailto:vickiepetley@gmail.com)>  
**Subject:** Re: Marshall Way Entry Feature "Cease and  
Desist" using the term "Jackalope"

Brent,

Before you read any further, please take a minute to read the attached copy of an email message that I had sent to City Council and Staff on Oct. 4, 2013, entitled "Marshall Way Monument."

It contains some additional information supporting my claim, and you were not copied on it.

It should be noted that the City-funded Scottsdale Gallery Association, the organization that oversees the art galleries and the "ArtWalk" event, who hired the Mayor's Political Consultant Jason Rose to lobby for this Marshall Way Entry Feature, now only lists a total number of 30 members on its website, and not all of them are actually art galleries, such as the City's Museum of the West and SGA President French Thompson's jewelry store on Main Street. I suspect that number of art galleries and public art will continue to decline as the world continues to change, in that all of us have access to the world's art on our smart phones, computers, and monitors.

It should also be noted that the owners of Sip Coffee & Beer House, also mentioned in my message, now also own Sip Coffee & Beer Garage in Arcadia, and are planning to open Sip Coffee & Beer Kitchen in the vicinity of where the Mayor and City Council Members live, Shea and Scottsdale, and that they live in

Downtown Scottsdale, less than a mile from City Hall, and were part of Downtown Scottsdale Voices. They feature the work of local artists, both visual and musical.

I understand that the City doesn't think that there is a basis for my claim, and therein lies the issue. The City of Scottsdale and I disagree, and as a Citizen, I am seeking resolve in my dispute. There is probably no precedent for a municipality like Scottsdale to appropriate and corrupt a Citizen's intellectual property through a public art project, and that is why I am seeking mediation for my Bob Petley Jackalope project idea appropriation. By the way, I found out last week that Councilwoman Kathy Littlefield used to work for Bob Petley. I also spent some time last week at Sip Coffee & Beer House with Bob's daughter, who works in Downtown Scottsdale and lives in South Scottsdale. She has stated that the proposed Marshall Way Entry Feature is a "disgrace," and I am copying her on this message, so she can personally let all of you know how she feels about all of this.

The uniqueness of this situation is that the City is using public domain land that the City is supposed to be stewarding on behalf of Citizens, for this Capital Improvement/Public Art project that we, the Citizens, clearly don't want and are paying for, and that the City is spending Citizen and tax-payer dollars on this project that seems to be benefitting Downtown Scottsdale property owners, who apparently were able to get the City to change the installation from a rabbit into a "Jackalope" simply by the addition of "antler buds," which I see as the equivalent of my being able to change anyone of the City's numerous public art horses into "Unicorns" simply by adding "horn buds." The City uses the property owner's address in its Project Narrative, and it happens to be a property owner who I shared my Jackalope idea with, who was part of the Mayor's Downtown Task Force, and also included in my claim.

The Mayor's Chief of Staff, Rachel Smetana, is also included in my claim, in that I also shared my idea with her, and I have documented her statement of support for my Jackalope project. In addition to meeting with Rachel on Aug. 1, 2014, I also met with her and the Mayor on Aug. 27, 2014, and asked the Mayor to spend the \$150,000 on deteriorating infrastructure in Downtown Scottsdale, rather than on an unnecessary Marshall Way Entry Feature. The Mayor suggested that I meet with the City's Derek Earle, and Rachel made that

connection in an email dated Sept. 16, 2014, entitled "FW: Marshall Way Enhancement Project Citizen Petition."

If you read through the thread, you'll note that former City Manager Fritz Behring was included and that City Auditor Sharron Walker states; "A City public art project is considered to be a Capital Improvement Project. While Scottsdale Public Art handles the artist/art selection, City staff still manages and pays for the project." The way that I interpret Sharron's statement is that the City Manager's Office is managing the Marshall Way Entry Feature project. On that basis, would you please provide an estimate of time/cost that the City (Mayor's Office, City Council and Staff) have spent on this project from when the budget was approved in 2013? These costs don't appear to be coming out of the \$150,000 that City Council allocated for this project. Would you also get an estimate of time/cost from Scottsdale Public Art/Artist Selection Committee? We know, at the least, that the previous artists selected for this project were paid \$15,000, and that the current artist has revised his design/s.

It was Derek Earle, who wrote, in an email message dated Jun. 13, 2013 and entitled "RE: CM/ED Group Meeting Today"; "The emails are correct that the Marshall Way entry feature was proposed by Councilwoman Milhaven and approved by Council as part of the CIP: Council also specified that the project was to be paid out of Bed Tax funds -in this case it would be the carryover funds. The new CIP is entitled "Marshall Way Entry Feature" and will be effective on July 1st. My original intent was to treat this as a public art project and administer it through a CPM project manager. We would sign an MOU with Public Art for their management of the process. You might note that, when I went back to check the Council meeting, this was not specified as an art project, but more as an entry feature. In talking to Linda Milhaven today, she thought that Public Art administration of this might make sense.

By definition, the Giant Pink Humping Rabbit turned "Jackalope" is an art project, in that it can be placed anywhere in Scottsdale, and by definition, not an entry feature. City Council approved \$150,000 bed tax dollars specifically for an entry feature, which is what the Miami FL artists were working on. So, apparently the City can also turn an "entry feature" into an "art project."

It should also be noted that at the Tourism Development Commission Work Study Session

presentation on Dec. 16, 2014, while reviewing "tourism projects currently in the CIP," Public Works Director Dan Worth included the Marshall Way Entry Feature along with the Scottsdale Museum of the West, the public art project for WestWorld (you might want to ask artist Jeff Zischke about his experience working with Scottsdale Public Art), the Tony Nelssen Equestrian Center, and the Desert Discovery Center.

So the City has also put this Giant Pink Humping Rabbit turned "Jackalope" into the same category as the Museum of the West, WestWorld, and the Desert Discovery Center. Also, my wife and I stayed at a Scottsdale resort this past weekend, so Citizens as well as tourists are being taxed and paying for this "Marshall Way Entry Feature."

The way that I interpret all of this, is that City Council and Staff are able to use Bed Tax funds to pay for Capital Improvement Projects and/or Public Art, and that City Council and Staff can spend that money, with no accountability or pro forma, on projects like this Marshall Way Entry Feature in the name of "Tourism," which apparently can be anything, instead of spending the money on deteriorating infrastructure and disappearing history and vintage, which is what's making Downtown Scottsdale less and less attractive to tourists. Simply put, I think the City is killing Downtown Scottsdale by spending money on projects like this. It's also why I don't think it makes fiscal sense for the City to be asking the Citizens for any more Bond Money, in that the City removed an entry feature at this location, paid for in part by Bond Money. I'm just not seeing fiscal stewardship being demonstrated on the part of my City.

Conversely, I've personally been able to demonstrate that I've contributed to the economic vitality of the City at no cost to the Citizens, and apparently why the City of Scottsdale is fighting my efforts, in that the City is its own fifth largest employer. At a recent Scottsdale Community Council meeting, I believe that Councilman Smith stated that only 30% of the City's employees actually live in Scottsdale. Is that correct?

Last year, as City Staff, Rachel Smetana declined to help me with four other public art homage projects that I've been working on, which, like my previous projects, are at no cost to the Citizens. That account can be found in an email thread entitled "RE: The Mayor and City Council and the Decline of Downtown and South Scottsdale," dated Aug. 23, 2016, and Rachel was

responding to a message that I had sent you on Aug. 4, 2016. In my response to her, I had written; "Since you responded to my message to Brent Stockwell as the Mayor's Chief of Staff and as President of the Scottsdale Historical Society, I have four history public art projects that you can help with as a practical way of demonstrating your "love for South Scottsdale." It's been hard for me to get stuff done without dealing with the politics."

These four history/homage projects include Paul Messenger, Gerbacio Noriega, the Corral Family, and Chaplain Winfield Scott.

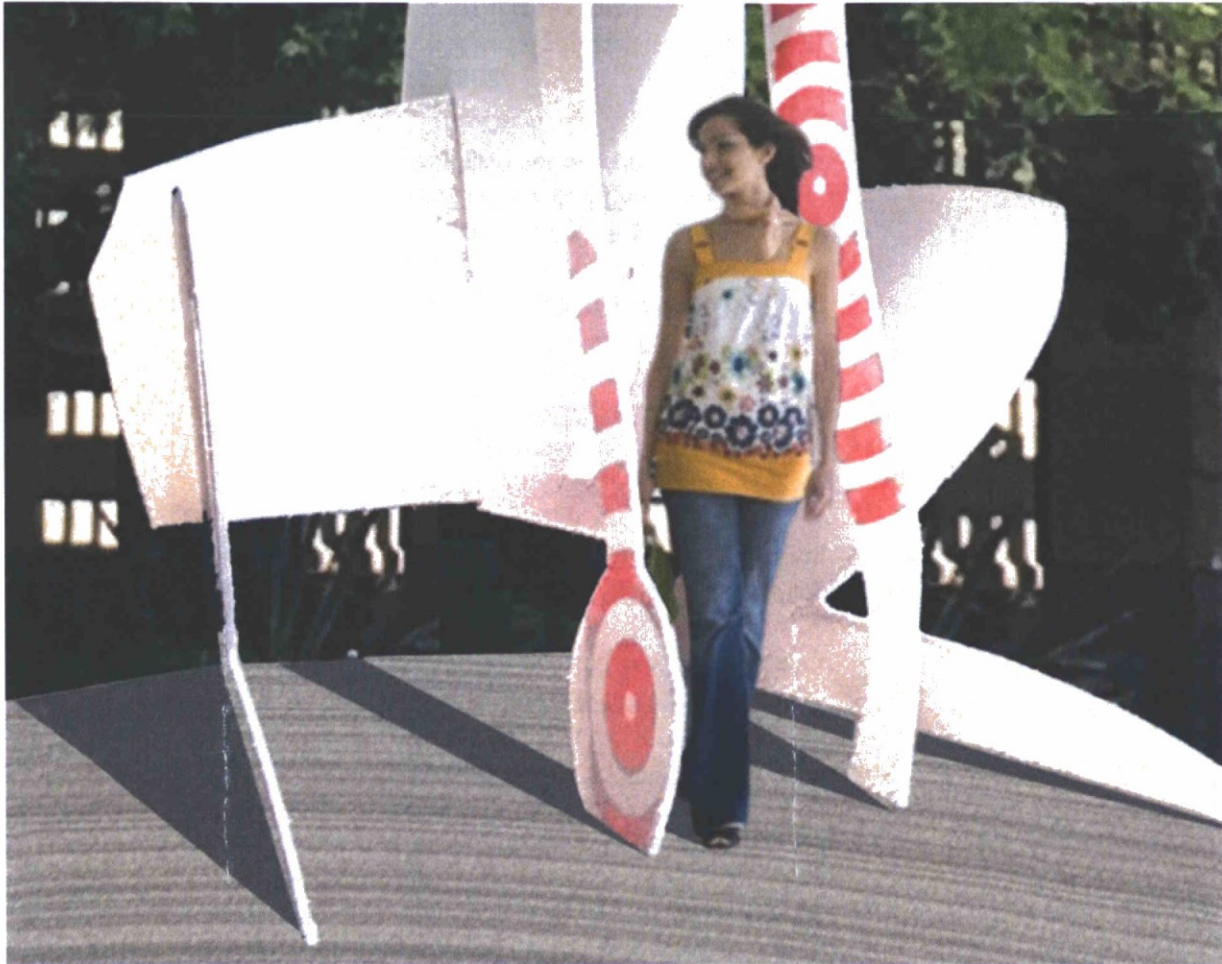
So instead of the City of Scottsdale supporting Citizens like me, interested in creating authentic and relevant art on public land for the public at no cost to the Citizens, the City appears to be fighting my efforts, and facilitating and wasting money on this corrupted version of my Bob Petley Jackalope homage.

Just so I understand your using the term "legal rights" in your response, are you suggesting that the City is recommending litigation for a Citizen claim of this type, rather than sitting down and trying to resolve through mediation?

Thanks,  
Dan

P.S. Per the City's Organization Chart, it appears that the Mayor and City Council oversee the City's Boards, Commissions, and Task Forces, and as documented, the Mayor and City Council make decisions autonomous of those same Boards, Commissions, and Task Forces, which is what it appears they did with this project in securing the \$150,000 bed tax dollars. I am restating my request to City Council and Staff and the Development Review Board to postpone reviewing this case until my dispute with the City can be resolved. This project has been in the works since 2013, and there is no deadline for it. In addition to my Jackalope idea appropriation, I also believe that a Capital Improvement Project Public Art installation of this scale is out of proportion for that corner, hence the inclusion of the City's Transportation Department, in that I believe that this project will create additional hazard to the public. As precedent, the City of Scottsdale put the Bob Parks Horse Fountain in the wrong place, and created a hazard to the public who have to stand in the street and dodge cars in order to take pictures. Here's a video of what that looks like. <https://www.facebook.com/dan.semenchuk/videos/10214335099557223/> Otherwise, this is what the

“crotch shots” of the proposed Marshall Way Entry Feature will look like if people stay on the sidewalk. Some have already suggested that these pictures will include people bending over, and symbolic.



On Jun 30, 2017, at 4:44 PM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Thank you for your email. After review of your request, the City does not believe you have any legal rights to the idea of a Jackalope public art project in Scottsdale or in using the word "Jackalope" in connection with any such project.

As noted in Scottsdale Public Art Director Donna Isaac's June 23, 2017 email (attached), Scottsdale Public Art has also found no merit to your allegation.

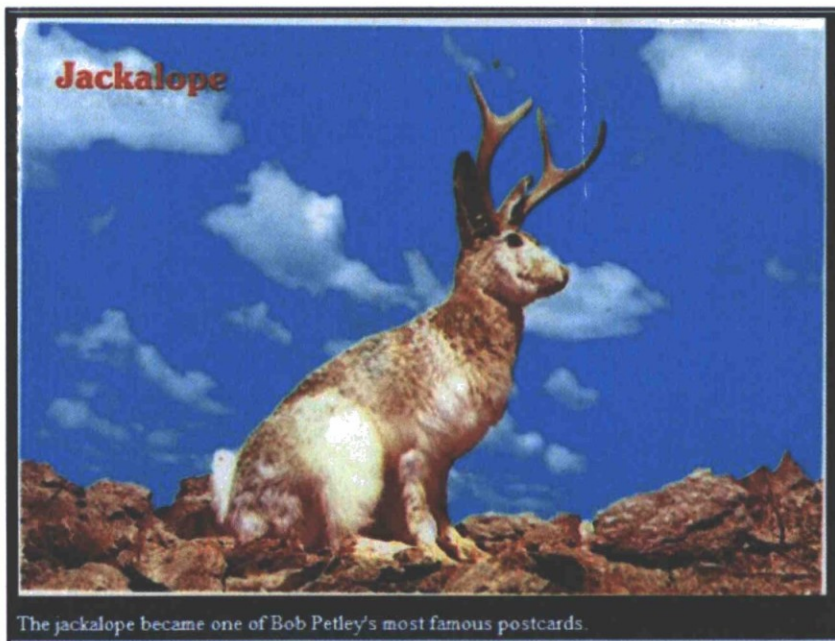
"Cease and Desist" using the term  
"Jackalope"

All,

Please consider this a "cease and desist" request with regard to calling the John Randall Nelson and Scottsdale Arts "Marshall Way Entry Feature" a "Jackalope," or to use the term "Jackalope" in conjunction with any public art project in Scottsdale.

I am an artist and creator, claiming intellectual property rights for a "Jackalope" project in Scottsdale. I have created and facilitated several public art projects in Downtown Scottsdale, both on public and private property and at no cost to the City or its Citizens.

My idea is to create a Bob Petley  
"Jackalope" homage



which I believe would become an attraction for Downtown Scottsdale, and would be a place for people to gather and have pictures taken. Bob Petley is credited as the creator of the "Arizona Jackalope" [http://tucsoncitizen.com/morgue/2006/07/18/19396-obituary-bob-petley-created-arizona-jackalope/](http://tucsoncitizen.com/morgue/2006/07/18/19396-<u>obituary-bob-petley-created-arizona-jackalope/</u>) and he photographed his Jackalope at Papago Buttes, which is two miles from Downtown Scottsdale

and three miles from my house. Like Bob, I am also a photographer. <http://www.phoenixnewtimes.com/arts/22-dan-semenchuk-6583955> I have been working on this homage project for him in Downtown Scottsdale since 2014, and have shared my idea with a variety of people. I have the support of Bob's daughter, who works in Downtown Scottsdale and who lives in South Scottsdale like me. She has stated that the proposed and purported "Jackalope" Marshall Way Entry Feature is a "disgrace."

On a side note, I talked with Paul Messinger earlier, and Paul knew Bob Petley, and he has provided me with additional information for my project. For the record, Paul is a patron and consularie, and I'm awaiting his permission to create an homage/legacy project for him as well (he's pretty humble). I've let Paul know that he reminds me a lot of my father, Paul, who is the same age, and my father is also a writer and was a farm boy. Here is my father's legacy website, which I am still working on. [www.paulcsemenchuk.com](http://www.paulcsemenchuk.com) Also, Paul Messinger was part of "26 Blocks" which I reference in "How Creative Connect Works" in my overview. [http://www.creativeconnect.org/assets/docs/09\\_2015\\_Overview.pdf](http://www.creativeconnect.org/assets/docs/09_2015_Overview.pdf)

I believe that my Bob Petley "Jackalope" homage idea and project is being appropriated and corrupted by the City of Scottsdale, Scottsdale Arts, and artist John Randall Nelson. <http://www.phoenixnewtimes.com/arts/51-john-randall-nelson-6574351>

I am prepared to protect and defend my idea, and as a Citizen, am seeking mediation with and from the City of Scottsdale, where I've been a Citizen since 1984. My request is to the City of Scottsdale, as the steward of public domain land, and includes the Mayor's

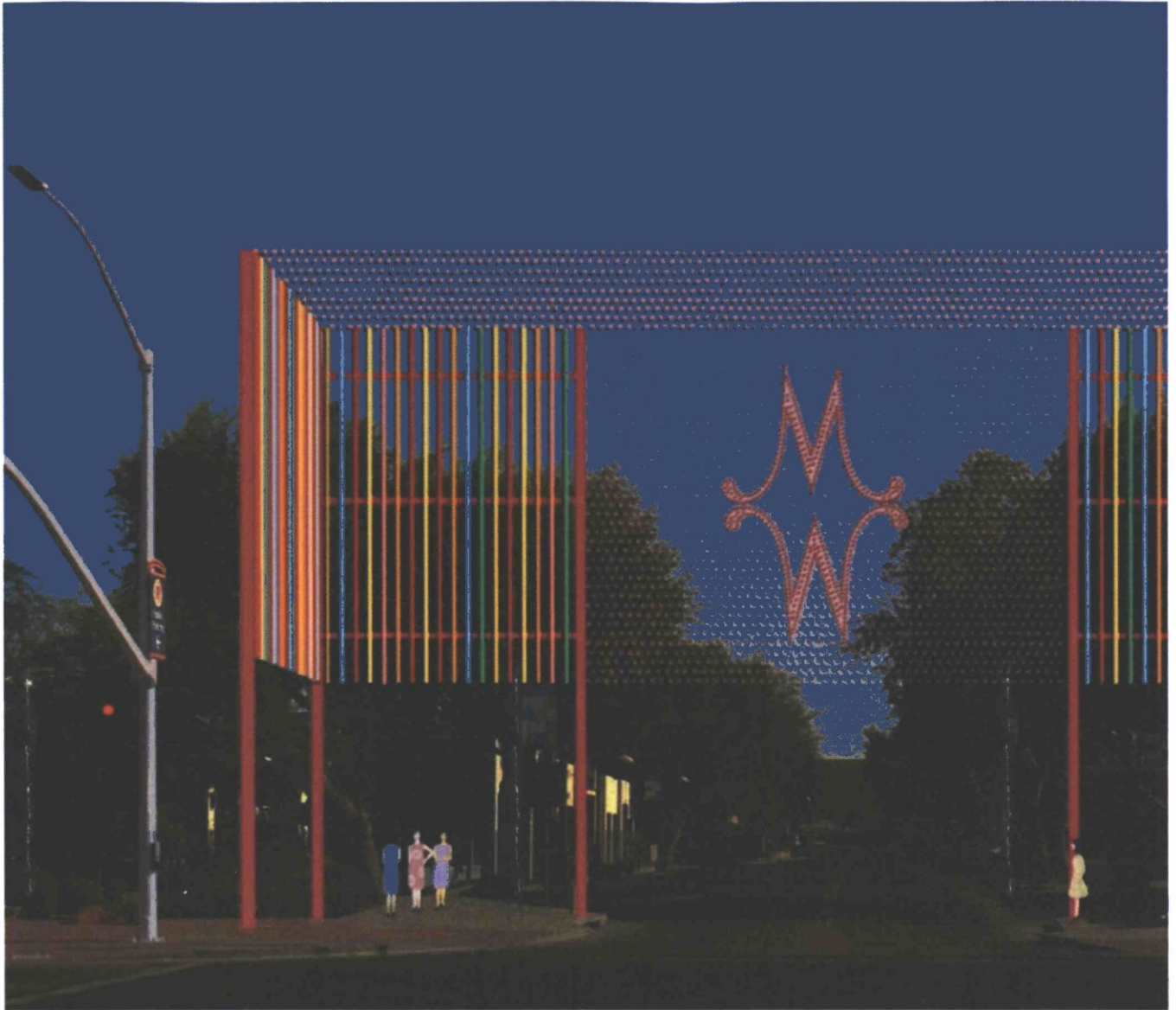
appropriation and corruption of Bob Petely's "Arizona Jackalope," and an insult to him and his family.

On a note to the Development Review Board and the City of Scottsdale, the Project Narrative also states that the installation intends to be "an interesting place to take pictures or for children to play around." This is what the pictures will look like.

The installation will also be within feet of one of the busiest streets in Downtown Scottsdale, Indian School Road (the City's Transportation Department is also included in this message). A public art installation of this scale should be located in the Civic Center Park. What this intersection needs is a pedestrian overpass, not an obstruction. If you allow this project, you are creating a hazard to the public in the name of public art and as a Capital Improvement Project. The artist himself is creating a hazard to the public, a metal installation with a seat (a friend recently had his surface temperature reader max out at 200° on a metal door on the side of his building). Plus the City already has a public art installation with metal benches across the street.



It should also be noted that the City has already paid \$15,000, or 10% of the overall budget for this "Marshall Way Entry Feature," to Miami FL artists (the same "metal bench" artists for another Indian School Road project <http://www.scottsdalepublicart.org/permanent-art/flower-pauses>) to come up with this idea for this project, before they were "fired."



The City of Phoenix Public Art Program has hired these same Miami FL artists, and "Scottsdale" Public Art Director Donna Isaac (who will be "retiring" on June 30) used to work for the City of Phoenix Public Art Program, as did Kevin Vaughn-Brubaker. Elizabeth Grajales, who works for the City of Phoenix Public Art Program is one of the Artist Selection Committee Members for this "Marshall Way Entry Feature." From what I can tell, "Scottsdale" Public Art appears to be a misnomer.

As a Citizen representing Citizens, I am requesting that all of you, who this message is being sent to, not approve this project at all, let alone as a

**"Jackalope," on the basis of what appears to be significant mismanagement and conflict of interest.**

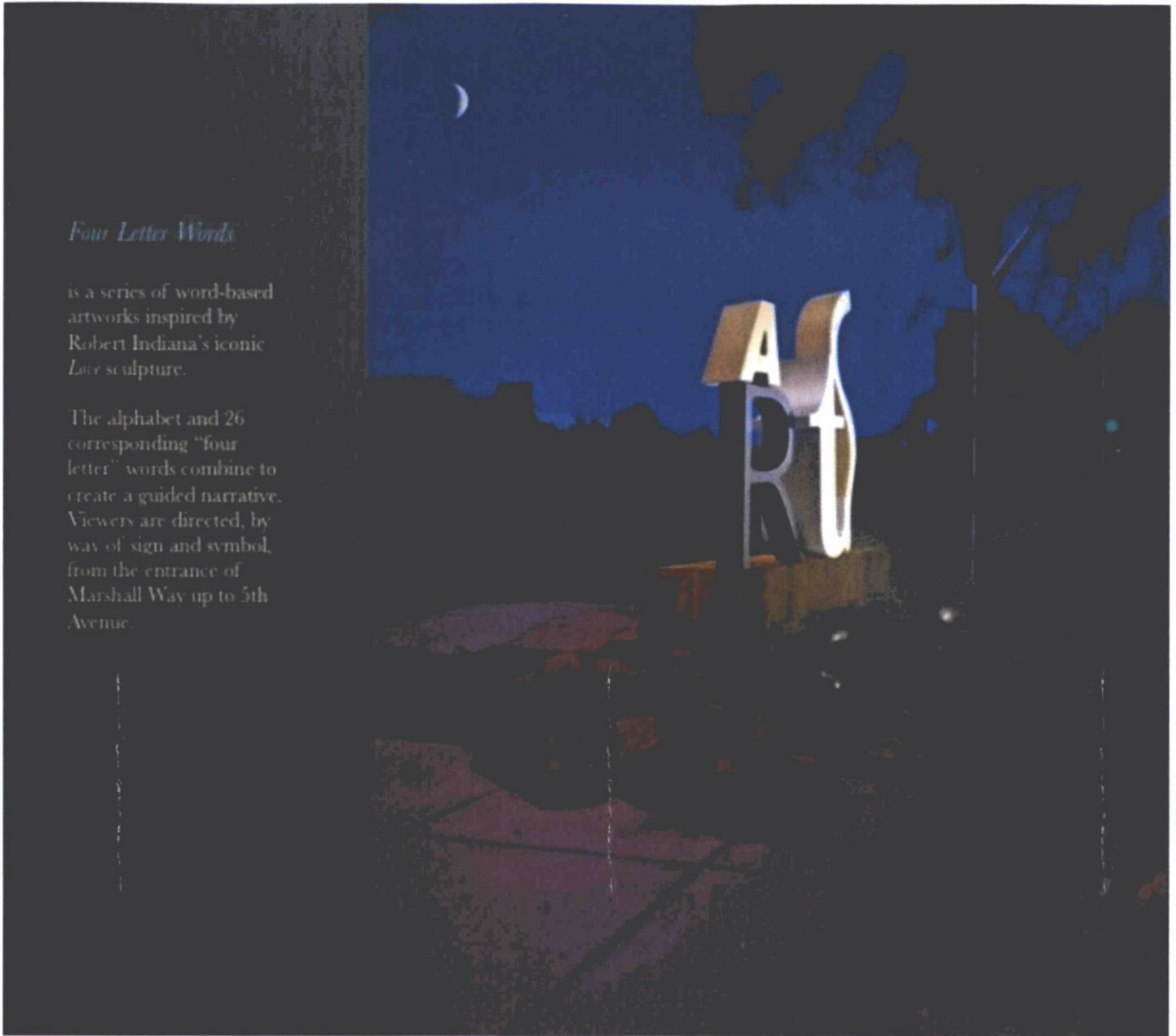
**In due diligence, last week I sent an email message to Scottsdale Public Art Project Manager, Kevin Vaughn-Brubaker, and most of you were copied on that message, entitled "Marshall Way Entry Feature 'Cease and Desist' using the term "Jackalope," and am also attaching this PDF of that message, which includes information and documentation, as well as some of the individuals involved.**

**In due diligence, I have also issued the same request directly to artist John Randall Nelson, who I've known for quite a while, who originally submitted this concept for the same project, before the Miami FL artists were selected.**

*Four Letter Words*

is a series of word-based artworks inspired by Robert Indiana's iconic *Love* sculpture.

The alphabet and 26 corresponding "four letter" words combine to create a guided narrative. Viewers are directed, by way of sign and symbol, from the entrance of Marshall Way up to 5th Avenue.



The City of Scottsdale and Scottsdale Arts also have John Randall Nelson and the Director of the City of Phoenix Public Art Program, Ed Lebow, on an Artist Selection Committee for the Project Artist for the Scottsdale Terminal Redevelopment Project;

"The selection panel members:

Nora Trulsson – Advisory Board Co-Chair

Erik Peterson – Advisory Board Co-Chair

Ed Lebow – City of Phoenix Public Art

Gary Mascaro – Scottsdale Airport

John Randall Nelson – Artist

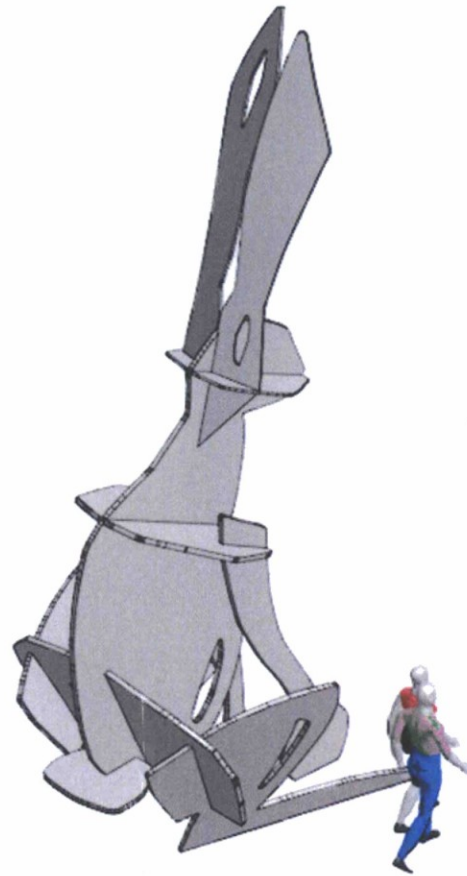
Steve Ziomek – Community Member

The first part of the document  
 discusses the importance of  
 maintaining accurate records  
 and the role of the  
 committee in this regard.  
 It also outlines the  
 procedures for handling  
 confidential information  
 and the need for  
 transparency in all  
 actions taken.

The second part  
 of the document  
 details the  
 specific  
 responsibilities  
 of the  
 committee  
 members.



ISOMETRIC - FRONT



ISOMETRIC - REAR

## RABBIT, RABBIT, RABBIT

26' x 10' x 11', PAINTED STEEL PLATE

PRELIMINARY ITERATION

MATERIAL: ASTM PLATE

WEIGHT: 20,300 LBS. (APPROXIMATE)



**Perone, Steve**

**From:** Dan Semenchuk <dan@creativeconnect.org>  
**Sent:** Monday, September 04, 2017 10:49 AM  
**To:** Stockwell, Brent  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; John Nelson; Kevin Vaughan-Brubaker; Donna Isaac; Herb Shipp; C.B. Shipp  
**Subject:** Re: Response to additional questions regarding Marshall Way Entry Feature

Brent,

Why is the City putting an unnecessary “sculpture” or obstruction on this corner, instead of creating pedestrian thoroughfare?



If you look at the picture, you're putting up a blockade or obstruction right in the middle of what should be a sidewalk. Would you please explain the City's logic?

Also, some unanswered questions from previous email messages;

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature (arch) on this art project (“sculpture”)?

How many “final designs” has this project now had?

In an email message dated Jul. 24, 2014, Sharron Walker wrote;

"A City public art project is considered to be a Capital Improvement Project. While Scottsdale Public Art handles the artist/art selection, City staff still manages and pays for the project. City staff has established a CIP for this project."

On Oct. 6, 2014, I posed this question to Sharron;

“Also, is your department able to approximate the amount of time and taxpayer dollars spent on the part of City Staff and Council on the Marshall Way Entry Feature to date, in addition to the \$150,000 expenditure intended to go to Scottsdale Public Art and the artist that they contract?”

On Oct. 7, 2014, Sharron responded:

“Most City staff are not required to prepare detailed project timesheets (and Council members are not). The City uses cost allocations to approximate the staff time and effort spent on the various capital projects. These costs would be charged to the same project budget, and to exceed the approved budget, City staff would need to return to the Council for approval of additional funding.”

On that basis, did City Staff go back to City Council for approval of the additional funding that you’ve listed for this now “sculpture” which was approved as an arch and what the Miami FL artists were working on and paid for?

If so, would you please direct me to that documentation?

Otherwise, there appears to be continuing mismanagement and lack of professional competence on the part of City Staff, and lack of stewardship and oversight on the part of City Council, on just this one small project, yet a project that ties into previous projects like the Thomas Road Bridge, the Soleri Bridge, the Museum of the West, Westworld, and the proposed Desert Discovery Center (which appropriated the Barstow CA brand) now Desert EDGE (which appropriates the brand of an educational institution in Goodyear <https://www.aguafria.org/dehs>).

It seems that Capital Improvement Projects like these, and the City’s questionable practices, are driving the Citizens deeper into debt.

Thanks,  
Dan

P.S. Please note that the arch was just one of the projects that the Scottsdale Gallery Association was looking to have funded and approved, and that Bentley Calverley’s building on the northeast corner of Marshall Way and 3rd Ave. is vacant. <http://archive.azcentral.com/community/scottsdale/articles/20121113merchants-push-marshall-way-revitalization.html>

On Aug 18, 2017, at 9:05 AM, Stockwell, Brent <BStockwell@scottsdaleaz.gov> wrote:

Hello Dan,

To clarify, my understanding is that Scottsdale Public Art plans to announce the new title once the project receives a decision from the Development Review Board. The location is an issue raised by the DRB, so Scottsdale Public Art is working to site the sculpture appropriately at that location to address their concerns. A design is not "final" until it receives all necessary approvals.

The city did not expend any additional funds to remove the 1990-era entry feature and boulders. It was done using existing city equipment and staff time.

The city has an existing project to improve pedestrian accessibility Downtown, I have suggested to the project manager that removal of the boulders on Marshall Way (and other locations within Downtown) be considered as part of that project.

Below is a summary of the costs to date on this project that was reported by Scottsdale Public Art and the City's Public Works Department:

	Project Budget
Original Amount	\$150,000
LESS City Project Costs	(10,000)
LESS Artist Selection Costs	(4,600)
LESS Original Artist Design Costs	(17,000)
LESS Alternate Artist Design Costs	(9,000)
LESS Fabrication Process Costs	(56,000)
	<hr/>
	\$53,400

Please note that there has also been \$7,200 approved by the Zoning Administrator for Downtown Cultural Trust funds to cover lighting materials/fixtures (\$6,183) and for additional engineering and document creation (\$1,017) for the Development Review Board process. There may be additional costs not included in the above as a result of having to modify the site location to address DRB concerns.

City staff do fill out online time sheets on a bi-weekly basis, however time is charged to funds and cost centers, not to individual projects. An exception to this is the city's capital project management group, which does charge time to specific capital projects. This is how the \$10,000 withheld for city project costs is being charged, of which \$6,041 has been spent to date. In addition, \$7,000 in General Funds was added to the project to cover city work order credits typically charged for city capital projects, of which \$651 has been spent to date.

Many thanks. Sincerely,

Brent Stockwell  
Assistant City Manager  
480-312-7288

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**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]

**Sent:** Monday, August 7, 2017 4:59 PM

**To:** Stockwell, Brent <BStockwell@scottsdaleaz.gov>

**Cc:** Phillips, Guy <GPhillips@Scottsdaleaz.gov>; Klapp, Suzanne <SKlapp@scottsdaleaz.gov>; Korte, Virginia <VKorte@Scottsdaleaz.gov>; Milhaven, Linda <LMilhaven@scottsdaleaz.gov>; Lane, Jim

<JLane@ScottsdaleAZ.Gov>; Littlefield, Kathy <KLittlefield@Scottsdaleaz.gov>; Smith, David N <DnSmith@Scottsdaleaz.gov>; Venker, Steve <JVenker@Scottsdaleaz.gov>; Meyer, Gary <GMeyer@scottsdaleaz.gov>; Walker, Sharron <SWalker@scottsdaleaz.gov>; Washburn, Bruce <bwashburn@scottsdaleaz.gov>; Jagger, Carolyn <cjagger@scottsdaleaz.gov>; Worth, Daniel <DaWorth@scottsdaleaz.gov>; Thompson, Jim <JThompson@Scottsdaleaz.gov>; Churchard, Karen <KChurchard@Scottsdaleaz.gov>; Grant, Randy <RGrant@Scottsdaleaz.gov>; Basha, Paul <PBasha@Scottsdaleaz.gov>; Casey, Danielle <DCasey@Scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; John Nelson <whonelson@cox.net>; Kevin Vaughan-Brubaker <KevinV@scottsdalearts.org>; Herb Shipp <canyonrider@mac.com>; C.B. Shipp <blen@mac.com>; Vickie Petley <vickiepetley@gmail.com>  
**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

Just so you know, I'm compiling costs and determining a location for the Bob Petley Jackalope homage project, and working on a unique concept that I believe will draw attention to Downtown Scottsdale.

With regard to the Marshall Way Entry Feature, the earliest record of the City communicating with Scottsdale Public Art on this project is June 27, 2012, and this based on information that I received through City Public Records.

On that basis, could you please clarify your statement; Scottsdale Public Art is planning "to announce the title once the final design and location is set"?

How many "final designs" has this project now had?

Why is location still an issue?

According to City Public Records, this entry feature has to be at Marshall Way and Indian School Road.

Also, please read through this email thread, which you were not copied on, with regard to the entry feature that the City has already removed at that location.

I would start at the bottom and work up.

I would also like for the Development Review Board to read through it as well, in that the email thread contains information not only on the history of this project, but also on other similar City projects.

Would you please clarify and be specific as to how exactly the City is spending the \$150,000 in tourism dollars allocated for this project? To re-state, the total budget for the Marshall Way Entry Feature is not to exceed \$150,000 and is all inclusive.

How much did it cost the City to remove the existing entry feature?

In an email dated Oct. 29, 2014, City Auditor Sharron Walker stated; "The budget document that you attached to your email showed a \$140,000 total, which would leave \$10,000 in the City project budget for other costs."

The document that I had attached in my email message was page 19 from the Miami FL artists Marshall Way Entry Feature proposal, which is as follows;

ESTIMATED BUDGET - SEPTEMBER 19, 2014  
Fabrication and materials — \$70,000.00  
Insatallation — \$18,000.00

Foundation — \$15,000.00  
Engineering & Permitting — \$5,000.00  
Insurance — \$2,300.00  
Crating/Shipping — \$4,500.00  
Artist Design and Oversight (18%) — \$25,200.00  
TOTAL — \$140,000.00

If you don't have their entire proposal, please let me know, and I'll forward it. These Miami FL artists were fired and paid \$15,000, and this left \$125,000 from their \$140,000 total.

In an email message entitled "RE: Marshall Way Enhancement Project Citizen Petition against the Humping Rabbit" and dated Nov. 17, 2016, you made this statement; "\$15,000 has been paid to the prior artist, and the current artist has a budget of \$120,000 to cover artist fees and local fabrication of the project."

This being the case, where was the \$5,000 difference between the \$125,000 and \$120,000 spent?

What exactly has been happening with the \$10,000 that Sharron stated was intended for "other costs"?

Would you please delineate all these costs? City Staff has been spending time a lot of time on this Marshall Way Entry Feature, based on Public Records documentation.

In an email message entitled "Marshall Way Project Questions & Follow Up" dated Apr. 10, 2015 Steve Geiogamah, stated "Approximately \$5,000 will be held back to cover the costs of City staff for this project" and he also stated that time spent on the part of the City up to that point amounted to \$1477, which seemed ridiculously low, in that Staff had been working on this project for almost three years at that point (it started with Ben Moriarity in at least June of 2012). It's now five years later, and it seems like Staff has spent a whole lot more than \$5,000, and even \$10,000 for "other costs," with still nothing to show the Citizens, other than a hole in the ground, which now needs something to cover it.

As I've suggested on multiple occasions, use the money, or what's left, to remove the rest of the hazardous boulders along Marshall Way, 5th Avenue, and Stetson Drive, and replace those areas with tourist-friendly sidewalks. If you would like additional opinion about the boulders, please check with Architect Doug Sydnor. <https://www.arcadiapublishing.com/Products/9780738578774> He can tell you about when the City first proposed putting them into the sidewalks.

Otherwise, it seems to me that if Staff isn't being required to fill out time sheets, there is no accounting for how Staff is spending time. When I worked in the private sector, we filled out time sheets so we could account for how we were spending our time to the benefit of our Clients, and we then got paid for our time through documentation. It's the nature of any professional services organization. There doesn't seem to be that same accountability on the part of Staff, and this would be a good way for City Staff to demonstrate "professionalism" to the Citizens.

Thanks,  
Dan

On Aug 4, 2017, at 5:05 PM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Yes, the Development Review Board had concerns about the site location so they continued the item to a future date. Scottsdale Public Art is working to address the concerns and plans to go back to DRB in September or October.

Yes, Scottsdale Public Art is considering different titles for the artwork and not calling it "Jackalope." They plan to announce the title once the final design and location is set.

The Public Works Department removed the existing sign and boulders to prepare the site for the artwork based on the initial schedule of installation of February 2017.

There is no estimate of staff time associated with this project. The only costs to date have been incurred by Scottsdale Public Art.

Sincerely,  
Brent Stockwell  
Assistant City Manager  
480-312-7288

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**From:** Dan Semenchuk (<mailto:dan@creativeconnect.org>)  
**Sent:** Wednesday, August 2, 2017 4:26 PM  
**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

It looks like the Development Review Board has chosen to continue this case. [http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-minutes/07-06-17 Approved Minutes.pdf](http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-minutes/07-06-17%20Approved%20Minutes.pdf)

In the meantime, why did the City already remove the existing entryway monument and create an eyesore?

Also, I am still awaiting your responses to these questions;

From a project management standpoint, would you please provide me some insight as to why the City just doesn't stop calling this art project a "Jackalope," knowing that it's costing more taxpayer dollars to do so? Wouldn't it make more sense to call it what it is, a rabbit, and be done with it?

Would you please provide an estimate of time/cost on the part of the City for this project to date?

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature on this art project?

And if you would, please postpone this project and be patient with me as I continue to seek counsel. I have been unable to speak with one of my Advisory Board Members [http://www.creativeconnect.org/assets/docs/09\\_2015\\_Overview.pdf](http://www.creativeconnect.org/assets/docs/09_2015_Overview.pdf) in that he's been out of the country coaching the South Sudan Basketball Team, but is also a Mediation/Litigation Attorney.

Finally, I was recently told that Scottsdale has the highest per capita debt of any Valley municipality, and will be looking into that as well.

Thanks,  
Dan

On Jul 6, 2017, at 11:09 AM, Dan Semenchuk  
<[dan@creativeconnect.org](mailto:dan@creativeconnect.org)> wrote:

Brent,

I know that you've been communicating separately with Vickie Petley, Bob Petley's daughter, and that she has expressed her frustration over this situation and this project. She doesn't feel like our City is showing support and respect, and it appears that her request to the City is "without merit" as well. So, she will be seeking counsel to see what she can do to protect her father's creative work by not having this Giant Pink Humping Rabbit referred to as a "Jackalope." Again, the City's Project Narrative states; "For over 50 years Jackalope postcards have been a classic Southwestern souvenir" clearly referencing her father's work. It appears that the City is also compelling me to seek counsel as well in order to protect my idea of creating an homage project for her father, which would look nothing like the "Jackalope" the City is putting up.

On that basis, would you please ask the City to put a hold on this project until Vickie and I have had a chance to explore our options? The City has been working on this project since 2013 and there is no deadline for it.

In the meantime, from a project management standpoint, would you please provide me some insight as to why the City just doesn't stop calling this art project a "Jackalope," knowing that it's costing more taxpayer dollars to do so? Wouldn't it make more sense to call it what it is, a rabbit, and be done with it?

Again, would you please provide an estimate of time/cost on the part of the City for this project to date?

I am also restating my request to the Development Review Board to postpone reviewing this case, for several reasons, one of which is the location.

In spite of what the City believes, I believe that an art project of this scale is not appropriate for that location and corner..

It also has to do with the nature of the artwork itself at that location, hence the "crotch shot." Since Councilman Smith sits on the Development Review Board, and his wife sits on the Scottsdale Arts Advisory Board, I am also making my request directly to him.

On a side note, Councilman Smith recently wrote in a promotional newsletter; "Council adopted a Balanced Budget for next year... that's

good! Unfortunately, the Budget isn't sustainable and hasn't been for several years. That's because the money we budget for capital improvements is woefully short of the amount needed. For the fourth year in a row, your city's net depreciable assets declined. In the private sector, that's called business liquidation."

City Council approved money for this as a Capital Improvement Project entryway feature, not an art project, which as documented and by definition are two completely different things. The Miami FL artists were clearly working on an entryway feature, and artist John Randall Nelson is clearly working an art project, a project with no tie-in to Marshall Way.

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature on this art project?

Thanks,  
Dan

On Jul 5, 2017, at 6:21 PM, Stockwell, Brent  
<[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Thank you for your email. To respond to your direct questions:

As I stated before, the city reviewed your request and found it without merit. As a result, there would be no need for the city to mediate regarding this issue.

The City of Scottsdale has an agreement with Scottsdale Cultural Council (dba Scottsdale Arts) for management and administration of public art. Per the agreement, "the city shall not make any decisions pertaining to the design, selection and management of City Artwork, including the selection of artists." As a result, any questions or concerns about public art should be directed directly to Scottsdale Arts. They have the ability to make decisions about design of public art.

To clarify, the item on the July 6 Development Review Board agenda is to approve the site plan for the location and lighting of this project. The art work itself, and the name of the artwork, is outside the scope of the Development Review Board.

I've not pulled the most recent employee statistics but 30% seems accurate. As I've mentioned before, in November 1967 the Scottsdale voters removed a requirement from the Scottsdale City Charter that

employees be Scottsdale residents. Only officers of the city (city attorney, city auditor, city clerk, city manager, city treasurer) are required to live within the city limits. So staff are not required to reside in Scottsdale, and it would be unfair to judge their professional competence and commitment based on home address.

I realize my responses are not what you are wanting, but this is the process I must follow unless directed differently by the City Council.

Sincerely,

Brent Stockwell, Assistant City Manager  
Scottsdale City Hall, 3939 N. Drinkwater Blvd.,  
Scottsdale, AZ 85251  
[BStockwell@ScottsdaleAZ.gov](mailto:BStockwell@ScottsdaleAZ.gov) | 480-312-7288

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**From:** Dan Semenchuk  
[\[mailto:dan@creativeconnect.org\]](mailto:dan@creativeconnect.org)  
**Sent:** Wednesday, July 5, 2017 9:45 AM  
**To:** Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>  
**Cc:** Phillips, Guy <[GPhillips@Scottsdaleaz.gov](mailto:GPhillips@Scottsdaleaz.gov)>; Klapp, Suzanne <[SKlapp@scottsdaleaz.gov](mailto:SKlapp@scottsdaleaz.gov)>; Korte, Virginia <[VKorte@Scottsdaleaz.gov](mailto:VKorte@Scottsdaleaz.gov)>; Milhaven, Linda <[LMilhaven@scottsdaleaz.gov](mailto:LMilhaven@scottsdaleaz.gov)>; Lane, Jim <[JLane@ScottsdaleAZ.Gov](mailto:JLane@ScottsdaleAZ.Gov)>; Littlefield, Kathy <[KLittlefield@Scottsdaleaz.gov](mailto:KLittlefield@Scottsdaleaz.gov)>; Smith, David N <[DnSmith@Scottsdaleaz.gov](mailto:DnSmith@Scottsdaleaz.gov)>; Venker, Steve <[JVenker@Scottsdaleaz.gov](mailto:JVenker@Scottsdaleaz.gov)>; Meyer, Gary <[GMeyer@scottsdaleaz.gov](mailto:GMeyer@scottsdaleaz.gov)>; Walker, Sharron <[SWalker@scottsdaleaz.gov](mailto:SWalker@scottsdaleaz.gov)>; Washburn, Bruce <[bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)>; Jagger, Carolyn <[cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)>; Worth, Daniel <[DaWorth@scottsdaleaz.gov](mailto:DaWorth@scottsdaleaz.gov)>; Thompson, Jim <[JThompson@Scottsdaleaz.gov](mailto:JThompson@Scottsdaleaz.gov)>; Churchard, Karen <[KChurchard@Scottsdaleaz.gov](mailto:KChurchard@Scottsdaleaz.gov)>; Grant, Randy <[RGrant@Scottsdaleaz.gov](mailto:RGrant@Scottsdaleaz.gov)>; Basha, Paul <[PBasha@Scottsdaleaz.gov](mailto:PBasha@Scottsdaleaz.gov)>; Casey, Danielle <[DCasey@Scottsdaleaz.gov](mailto:DCasey@Scottsdaleaz.gov)>; Development Review Board <[DevelopmentReviewBoard@Scottsdaleaz.gov](mailto:DevelopmentReviewBoard@Scottsdaleaz.gov)>; John Nelson <[whonelson@cox.net](mailto:whonelson@cox.net)>; Kevin Vaughan-Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)>; Herb Shipp <[canyonrider@mac.com](mailto:canyonrider@mac.com)>; C.B. Shipp <[blen@mac.com](mailto:blen@mac.com)>; Vickie Petley <[vickiepetley@gmail.com](mailto:vickiepetley@gmail.com)>  
**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

Before you read any further, please take a minute to read the attached copy of an email message that I had

sent to City Council and Staff on Oct. 4, 2013, entitled "Marshall Way Monument."

It contains some additional information supporting my claim, and you were not copied on it.

It should be noted that the City-funded Scottsdale Gallery Association, the organization that oversees the art galleries and the "ArtWalk" event, who hired the Mayor's Political Consultant Jason Rose to lobby for this Marshall Way Entry Feature, now only lists a total number of 30 members on its website, and not all of them are actually art galleries, such as the City's Museum of the West and SGA President French Thompson's jewelry store on Main Street. I suspect that number of art galleries and public art will continue to decline as the world continues to change, in that all of us have access to the world's art on our smart phones, computers, and monitors.

It should also be noted that the owners of Sip Coffee & Beer House, also mentioned in my message, now also own Sip Coffee & Beer Garage in Arcadia, and are planning to open Sip Coffee & Beer Kitchen in the vicinity of where the Mayor and City Council Members live, Shea and Scottsdale, and that they live in Downtown Scottsdale, less than a mile from City Hall, and were part of Downtown Scottsdale Voices. They feature the work of local artists, both visual and musical.

I understand that the City doesn't think that there is a basis for my claim, and therein lies the issue. The City of Scottsdale and I disagree, and as a Citizen, I am seeking resolve in my dispute. There is probably no precedent for a municipality like Scottsdale to appropriate and corrupt a Citizen's intellectual property through a public art project, and that is why I am seeking mediation for my Bob Petley Jackalope project idea appropriation. By the way, I found out last week that Councilwoman Kathy Littlefield used to work for Bob Petley. I also spent some time last week at Sip Coffee & Beer House with Bob's daughter, who works in Downtown Scottsdale and lives in South Scottsdale. She has stated that the proposed Marshall Way Entry Feature is a "disgrace," and I am copying her on this message, so she can personally let all of you know how she feels about all of this.

The uniqueness of this situation is that the City is using public domain land that the City is supposed to be stewarding on behalf of Citizens, for this Capital Improvement/Public Art project that we, the Citizens,

clearly don't want and are paying for, and that the City is spending Citizen and tax-payer dollars on this project that seems to be benefitting Downtown Scottsdale property owners, who apparently were able to get the City to change the installation from a rabbit into a "Jackalope" simply by the addition of "antler buds," which I see as the equivalent of my being able to change anyone of the City's numerous public art horses into "Unicorns" simply by adding "horn buds." The City uses the property owner's address in its Project Narrative, and it happens to be a property owner who I shared my Jackalope idea with, who was part of the Mayor's Downtown Task Force, and also included in my claim.

The Mayor's Chief of Staff, Rachel Smetana, is also included in my claim, in that I also shared my idea with her, and I have documented her statement of support for my Jackalope project. In addition to meeting with Rachel on Aug. 1, 2014, I also met with her and the Mayor on Aug. 27, 2014, and asked the Mayor to spend the \$150,000 on deteriorating infrastructure in Downtown Scottsdale, rather than on an unnecessary Marshall Way Entry Feature. The Mayor suggested that I meet with the City's Derek Earle, and Rachel made that connection in an email dated Sept. 16, 2014, entitled "FW: Marshall Way Enhancement Project Citizen Petition."

If you read through the thread, you'll note that former City Manager Fritz Behring was included and that City Auditor Sharron Walker states; "A City public art project is considered to be a Capital Improvement Project. While Scottsdale Public Art handles the artist/art selection, City staff still manages and pays for the project." The way that I interpret Sharron's statement is that the City Manager's Office is managing the Marshall Way Entry Feature project. On that basis, would you please provide an estimate of time/cost that the City (Mayor's Office, City Council and Staff) have spent on this project from when the budget was approved in 2013? These costs don't appear to be coming out of the \$150,000 that City Council allocated for this project. Would you also get an estimate of time/cost from Scottsdale Public Art/Artist Selection Committee? We know, at the least, that the previous artists selected for this project were paid \$15,000, and that the current artist has revised his design/s.

It was Derek Earle, who wrote, in an email message dated Jun. 13, 2013 and entitled "RE: CM/ED Group Meeting Today"; "The emails are correct that the Marshall Way entry feature was proposed by

Councilwoman Milhaven and approved by Council as part of the CIP. Council also specified that the project was to be paid out of Bed Tax funds -in this case it would be the carryover funds. The new CIP is entitled "Marshall Way Entry Feature" and will be effective on July 1st. My original intent was to treat this as a public art project and administer it through a CPM project manager. We would sign an MOU with Public Art for their management of the process. You might note that, when I went back to check the Council meeting, this was not specified as an art project, but more as an entry feature. In talking to Linda Milhaven today, she thought that Public Art administration of this might make sense.

By definition, the Giant Pink Humping Rabbit turned "Jackalope" is an art project, in that it can be placed anywhere in Scottsdale, and by definition, not an entry feature. City Council approved \$150,000 bed tax dollars specifically for an entry feature, which is what the Miami FL artists were working on. So, apparently the City can also turn an "entry feature" into an "art project."

It should also be noted that at the Tourism Development Commission Work Study Session presentation on Dec. 16, 2014, while reviewing "tourism projects currently in the CIP," Public Works Director Dan Worth included the Marshall Way Entry Feature along with the Scottsdale Museum of the West, the public art project for WestWorld (you might want to ask artist Jeff Zischke about his experience working with Scottsdale Public Art), the Tony Nelssen Equestrian Center, and the Desert Discovery Center.

So the City has also put this Giant Pink Humping Rabbit turned "Jackalope" into the same category as the Museum of the West, WestWorld, and the Desert Discovery Center. Also, my wife and I stayed at a Scottsdale resort this past weekend, so Citizens as well as tourists are being taxed and paying for this "Marshall Way Entry Feature."

The way that I interpret all of this, is that City Council and Staff are able to use Bed Tax funds to pay for Capital Improvement Projects and/or Public Art, and that City Council and Staff can spend that money, with no accountability or pro forma, on projects like this Marshall Way Entry Feature in the name of "Tourism," which apparently can be anything, instead of spending the money on deteriorating infrastructure and disappearing history and vintage, which is what's making Downtown Scottsdale less and less attractive to

tourists. Simply put, I think the City is killing Downtown Scottsdale by spending money on projects like this. It's also why I don't think it makes fiscal sense for the City to be asking the Citizens for any more Bond Money, in that the City removed an entry feature at this location, paid for in part by Bond Money. I'm just not seeing fiscal stewardship being demonstrated on the part of my City.

Conversely, I've personally been able to demonstrate that I've contributed to the economic vitality of the City at no cost to the Citizens, and apparently why the City of Scottsdale is fighting my efforts, in that the City is its own fifth largest employer. At a recent Scottsdale Community Council meeting, I believe that Councilman Smith stated that only 30% of the City's employees actually live in Scottsdale. Is that correct?

Last year, as City Staff, Rachel Smetana declined to help me with four other public art homage projects that I've been working on, which, like my previous projects, are at no cost to the Citizens. That account can be found in an email thread entitled "RE: The Mayor and City Council and the Decline of Downtown and South Scottsdale," dated Aug. 23, 2016, and Rachel was responding to a message that I had sent you on Aug. 4, 2016. In my response to her, I had written; "Since you responded to my message to Brent Stockwell as the Mayor's Chief of Staff and as President of the Scottsdale Historical Society, I have four history public art projects that you can help with as a practical way of demonstrating your "love for South Scottsdale." It's been hard for me to get stuff done without dealing with the politics."

These four history/homage projects include Paul Messinger, Gerbacio Noriega, the Corral Family, and Chaplain Winfield Scott.

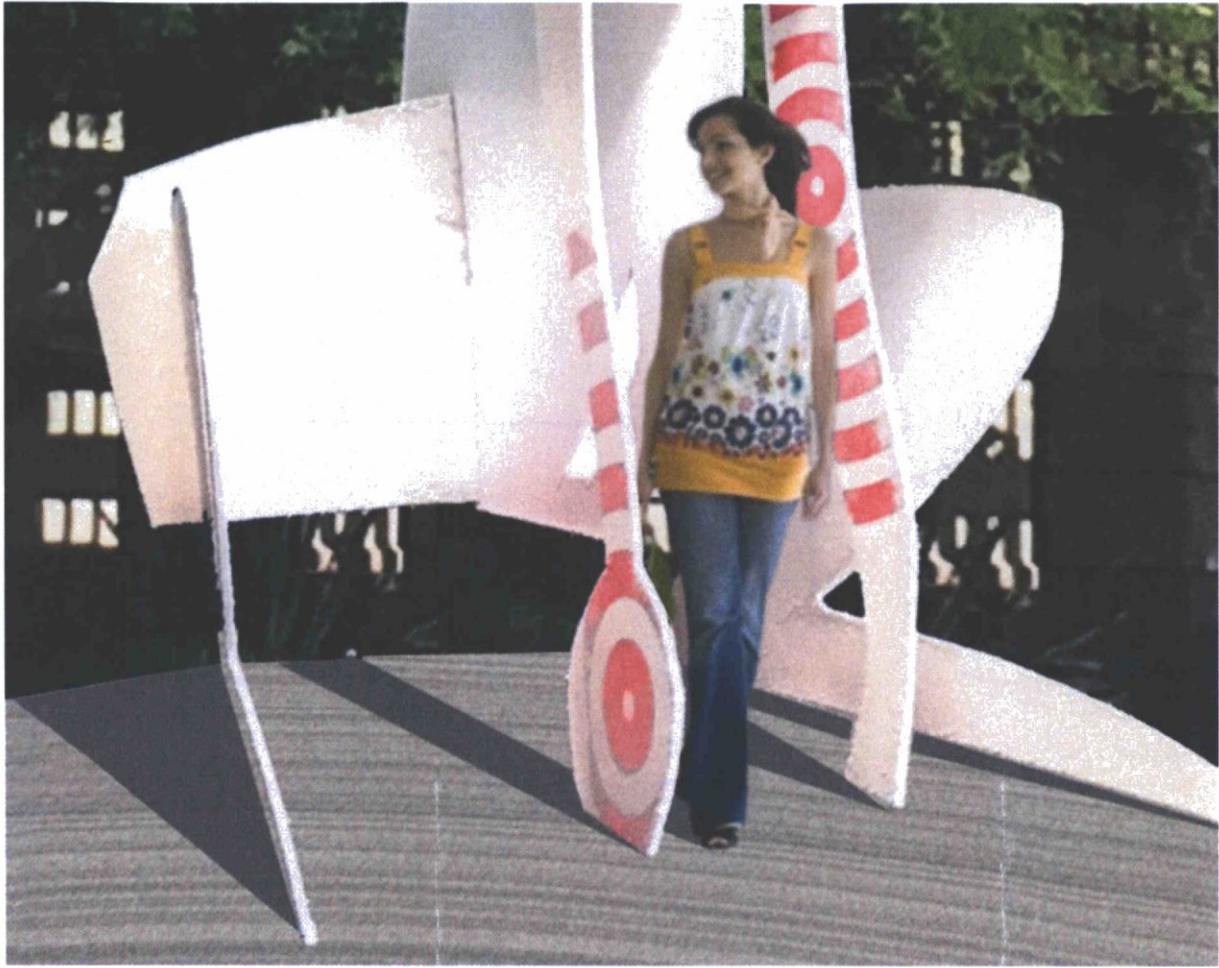
So instead of the City of Scottsdale supporting Citizens like me, interested in creating authentic and relevant art on public land for the public at no cost to the Citizens, the City appears to be fighting my efforts, and facilitating and wasting money on this corrupted version of my Bob Petley Jackalope homage.

Just so I understand your using the term "legal rights" in your response, are you suggesting that the City is recommending litigation for a Citizen claim of this type, rather than sitting down and trying to resolve through mediation?

Thanks,

Dan

P.S. Per the City's Organization Chart, it appears that the Mayor and City Council oversee the City's Boards, Commissions, and Task Forces, and as documented, the Mayor and City Council make decisions autonomous of those same Boards, Commissions, and Task Forces, which is what it appears they did with this project in securing the \$150,000 bed tax dollars. I am restating my request to City Council and Staff and the Development Review Board to postpone reviewing this case until my dispute with the City can be resolved. This project has been in the works since 2013, and there is no deadline for it. In addition to my Jackalope idea appropriation, I also believe that a Capital Improvement Project Public Art installation of this scale is out of proportion for that corner, hence the inclusion of the City's Transportation Department, in that I believe that this project will create additional hazard to the public. As precedent, the City of Scottsdale put the Bob Parks Horse Fountain in the wrong place, and created a hazard to the public who have to stand in the street and dodge cars in order to take pictures. Here's a video of what that looks like. <https://www.facebook.com/dan.semenchuk/videos/10214335099557223/> Otherwise, this is what the "crotch shots" of the proposed Marshall Way Entry Feature will look like if people stay on the sidewalk. Some have already suggested that these pictures will include people bending over, and symbolic.



On Jun 30, 2017, at 4:44 PM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Thank you for your email. After review of your request, the City does not believe you have any legal rights to the idea of a Jackalope public art project in Scottsdale or in using the word "Jackalope" in connection with any such project.

As noted in Scottsdale Public Art Director Donna Isaac's June 23, 2017 email (attached), Scottsdale Public Art has also found no merit to your allegation.

Sincerely,  
Brent Stockwell, Assistant City Manager  
Scottsdale City Hall, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251

BStockwell@ScottsdaleAZ.gov | 480-312-7288

**From:** Dan Semenchuk  
[mailto:[dan@creativeconnect.org](mailto:dan@creativeconnect.org)]  
**Sent:** Tuesday, June 27, 2017 6:08 PM  
**To:** Phillips, Guy  
<[GPhillips@Scottsdaleaz.gov](mailto:GPhillips@Scottsdaleaz.gov)>; Klapp, Suzanne <[SKlapp@scottsdaleaz.gov](mailto:SKlapp@scottsdaleaz.gov)>; Korte, Virginia <[VKorte@Scottsdaleaz.gov](mailto:VKorte@Scottsdaleaz.gov)>; Milhaven, Linda <[LMilhaven@scottsdaleaz.gov](mailto:LMilhaven@scottsdaleaz.gov)>; Lane, Jim <[JLane@ScottsdaleAZ.Gov](mailto:JLane@ScottsdaleAZ.Gov)>; Littlefield, Kathy <[KLittlefield@Scottsdaleaz.gov](mailto:KLittlefield@Scottsdaleaz.gov)>; Smith, David N <[DnSmith@Scottsdaleaz.gov](mailto:DnSmith@Scottsdaleaz.gov)>; Venker, Steve <[JVenker@Scottsdaleaz.gov](mailto:JVenker@Scottsdaleaz.gov)>; Meyer, Gary <[GMeyer@scottsdaleaz.gov](mailto:GMeyer@scottsdaleaz.gov)>; Walker, Sharron <[SWalker@scottsdaleaz.gov](mailto:SWalker@scottsdaleaz.gov)>; Washburn, Bruce <[bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)>; Jagger, Carolyn <[cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)>; Worth, Daniel <[DaWorth@scottsdaleaz.gov](mailto:DaWorth@scottsdaleaz.gov)>; Thompson, Jim <[JThompson@Scottsdaleaz.gov](mailto:JThompson@Scottsdaleaz.gov)>; Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>; Churchard, Karen <[KChurchard@Scottsdaleaz.gov](mailto:KChurchard@Scottsdaleaz.gov)>; Grant, Randy <[RGrant@Scottsdaleaz.gov](mailto:RGrant@Scottsdaleaz.gov)>; Basha, Paul <[PBasha@Scottsdaleaz.gov](mailto:PBasha@Scottsdaleaz.gov)>; Casey, Danielle <[DCasey@Scottsdaleaz.gov](mailto:DCasey@Scottsdaleaz.gov)>; Development Review Board <[DevelopmentReviewBoard@Scottsdaleaz.gov](mailto:DevelopmentReviewBoard@Scottsdaleaz.gov)>  
**Cc:** John Nelson <[whonelson@cox.net](mailto:whonelson@cox.net)>; Kevin Vaughan-Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)>; Herb Shipp <[canyonrider@mac.com](mailto:canyonrider@mac.com)>; C.B. Shipp <[blen@mac.com](mailto:blen@mac.com)>  
**Subject:** Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

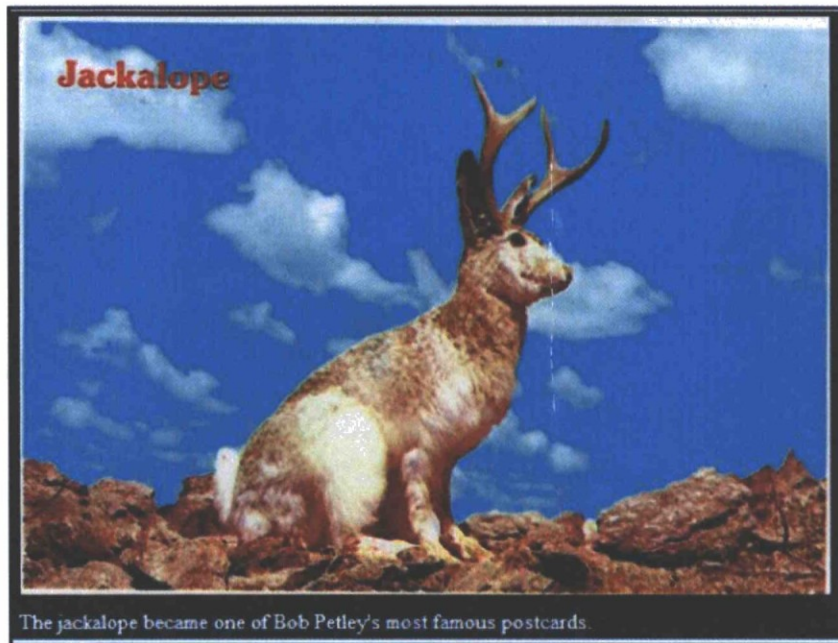
All,

Please consider this a "cease and

desist" request with regard to calling the John Randall Nelson and Scottsdale Arts "Marshall Way Entry Feature" a "Jackalope," or to use the term "Jackalope" in conjunction with any public art project in Scottsdale.

I am an artist and creator, claiming intellectual property rights for a "Jackalope" project in Scottsdale. I have created and facilitated several public art projects in Downtown Scottsdale, both on public and private property and at no cost to the City or its Citizens.

My idea is to create a Bob Petley "Jackalope" homage



which I believe would become an attraction for Downtown Scottsdale, and would be a place for people to gather and have pictures taken. Bob Petley is credited as the creator of the "Arizona Jackalope" <http://tucsoncitizen.com/morgue/2006/07/18/19396-obituary-bob-petley-created-arizona-jackalope/> and he photographed his Jackalope at Papago Buttes, which is two miles from Downtown Scottsdale and three miles from my house. Like Bob, I am also a photographer. <http://www.phoenixnewtimes.com/arts/22-dan-semenchuk-6583955> I have been working on this homage project for him in Downtown

Scottsdale since 2014, and have shared my idea with a variety of people. I have the support of Bob's daughter, who works in Downtown Scottsdale and who lives in South Scottsdale like me. She has stated that the proposed and purported "Jackalope" Marshall Way Entry Feature is a "disgrace."

On a side note, I talked with Paul Messinger earlier, and Paul knew Bob Petley, and he has provided me with additional information for my project. For the record, Paul is a patron and consularie, and I'm awaiting his permission to create an homage/legacy project for him as well (he's pretty humble). I've let Paul know that he reminds me a lot of my father, Paul, who is the same age, and my father is also a writer and was a farm boy. Here is my father's legacy website, which I am still working on. [www.paulcsemenchuk.com](http://www.paulcsemenchuk.com) Also, Paul Messinger was part of "26 Blocks" which I reference in "How Creative Connect Works" in my overview. [http://www.creativeconnect.org/assets/docs/09\\_2015\\_Overview.pdf](http://www.creativeconnect.org/assets/docs/09_2015_Overview.pdf)

I believe that my Bob Petley "Jackalope" homage idea and project is being appropriated and corrupted by the City of Scottsdale, Scottsdale Arts, and artist John Randall Nelson. <http://www.phoenixnewtimes.com/arts/51-john-randall-nelson-6574351>

I am prepared to protect and defend my idea, and as a Citizen, am seeking mediation with and from the City of Scottsdale, where I've been a Citizen since 1984. My request is to the City of Scottsdale, as the steward of public domain land, and includes the Mayor's Office, City Council, City Staff, persons employed by or contracted by the City of Scottsdale, as well as the City's Development Review Board, who I am also including in this message.

This message also serves as my Public Comment to the Development Review Board, scheduled to meet on 7/6/17 to review this project with Scottsdale Public Art's Project Manager, Kevin Vaughn-Brubaker. <https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/47302>

It should be noted that City Councilman David Smith is a Member of the Development Review Board, and that his wife, Diana, sits on the Board of Trustees of Scottsdale Arts. Also, Councilwoman Linda Milhaven, identified as a "champion" of the "Marshall Way Entry Feature" was former Board Chair of Scottsdale Arts, and John Randall

Nelson has Councilwoman Milhaven's employer, Wells Fargo, as a client. And as far as I know, the City only received two surveys in response to their meeting for this project on Jan. 15, 2014, one from Bentley Calverley, who no longer has her gallery on Marshall Way, and one from Gerbert Gallery on Main St., where John Randall Nelson sells his artwork.

I believe that John Randall Nelson is trying to sell more of his artwork in Downtown Scottsdale by appropriating the creative work of Bob Petley, and that the City of Scottsdale is facilitating.

Here is a link to the City of Scottsdale's Planning & Development Services Project Narrative. [http://eservices.scottsdaleaz.gov/planning/projectssummary/application\\_submittals/ProjInfo\\_15\\_DR\\_2017.pdf](http://eservices.scottsdaleaz.gov/planning/projectssummary/application_submittals/ProjInfo_15_DR_2017.pdf) In the description it states "For over 50 years Jackalope postcards have been a classic Southwestern souvenir." I believe that just this one line is an appropriation and corruption of Bob Petely's "Arizona Jackalope," and an insult to him and his family.

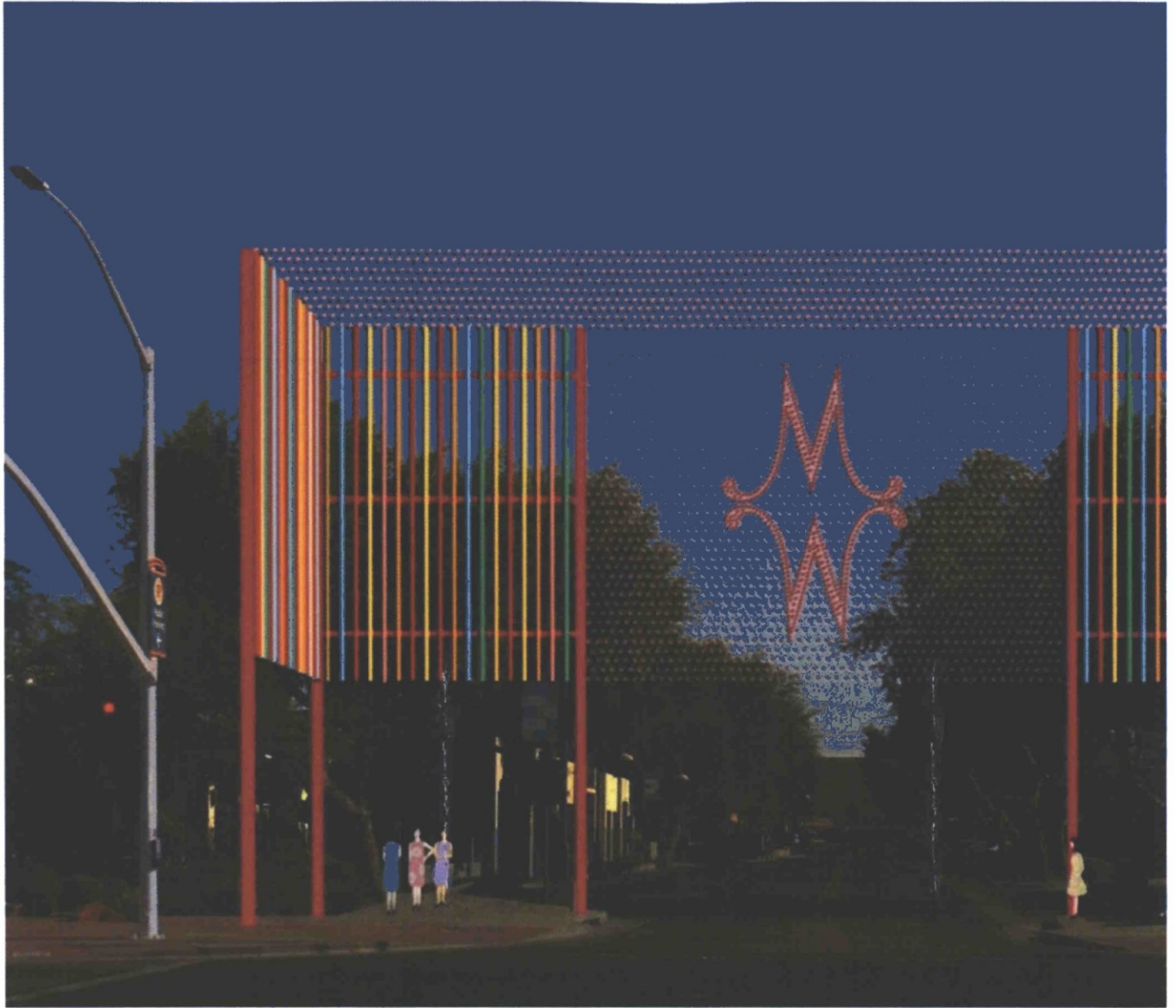
On a note to the Development Review Board and the City of Scottsdale, the

Project Narrative also states that the installation intends to be “an interesting place to take pictures or for children to play around.” This is what the pictures will look like.

The installation will also be within feet of one of the busiest streets in Downtown Scottsdale, Indian School Road (the City’s Transportation Department is also included in this message). A public art installation of this scale should be located in the Civic Center Park. What this intersection needs is a pedestrian overpass, not an obstruction. If you allow this project, you are creating a hazard to the public in the name of public art and as a Capital Improvement Project. The artist himself is creating a hazard to the public, a metal installation with a seat (a friend recently had his surface temperature reader max out at 200° on a metal door on the side of his building). Plus the City already has a public art installation with metal benches across the street.



It should also be noted that the City has already paid \$15,000, or 10% of the overall budget for this "Marshall Way Entry Feature," to Miami FL artists (the same "metal bench" artists for another Indian School Road project <http://www.scottsdalepublicart.org/permanent-art/flower-pauses>) to come up with this idea for this project, before they were "fired."



The City of Phoenix Public Art Program has hired these same Miami FL artists, and "Scottsdale" Public Art Director Donna Isaac (who will be "retiring" on June 30) used to work for the City of Phoenix Public Art Program, as did Kevin Vaughn-Brubaker. Elizabeth Grajales, who works for the City of Phoenix Public Art Program is one of the Artist Selection Committee Members for this "Marshall Way Entry Feature." From what I can tell, "Scottsdale" Public Art appears to be a misnomer.

As a Citizen representing Citizens, I am requesting that all of you, who this message is being sent to, not approve this project at all, let alone as a

**"Jackalope," on the basis of what appears to be significant mismanagement and conflict of interest.**

**In due diligence, last week I sent an email message to Scottsdale Public Art Project Manager, Kevin Vaughn-Brubaker, and most of you were copied on that message, entitled "Marshall Way Entry Feature 'Cease and Desist' using the term "Jackalope," and am also attaching this PDF of that message, which includes information and documentation, as well as some of the individuals involved.**

**In due diligence, I have also issued the same request directly to artist John Randall Nelson, who I've known for quite a while, who originally submitted this concept for the same project, before the Miami FL artists were selected.**

*Four Letter Words*

is a series of word-based artworks inspired by Robert Indiana's iconic *Love* sculpture.

The alphabet and 26 corresponding "four letter" words combine to create a guided narrative. Viewers are directed, by way of sign and symbol, from the entrance of Marshall Way up to 5th Avenue.



The City of Scottsdale and Scottsdale Arts also have John Randall Nelson and the Director of the City of Phoenix Public Art Program, Ed Lebow, on an Artist Selection Committee for the Project Artist for the Scottsdale Terminal Redevelopment Project;

"The selection panel members:

Nora Trulsson – Advisory Board Co-Chair

Erik Peterson – Advisory Board Co-Chair

Ed Lebow – City of Phoenix Public Art

Gary Mascaro – Scottsdale Airport

John Randall Nelson – Artist

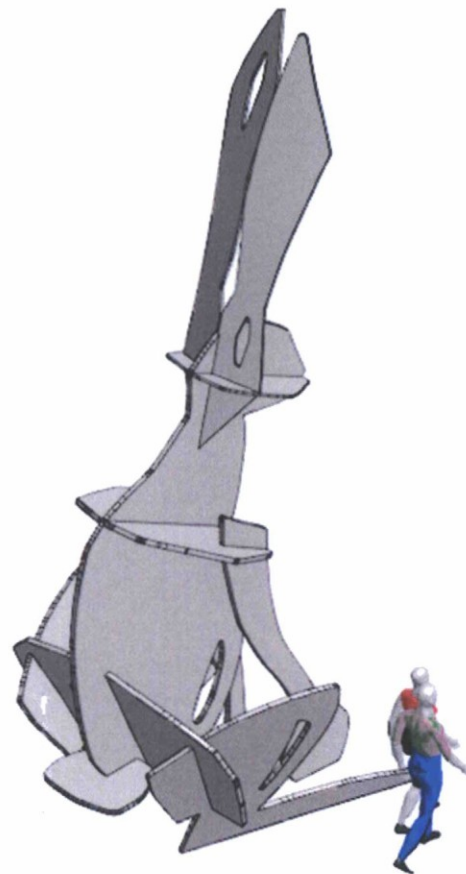
Steve Ziomek – Community Member

Michael Braun – DWL Architects”  
<https://scottsdalearts.org/wp-content/uploads/2016/08/Scottsdale-Public-Art-Advisory-Board-March-8-2017-Minutes-FINAL.pdf>

Here is John Randall Nelson’s Marshall Way Entry Feature “Rabbit, Rabbit, Rabbit” schematic and his “Jackalope” schematic, with the only visible difference to the public being the addition of the metal seat on the right leg.



ISOMETRIC - FRONT



ISOMETRIC - REAR

## RABBIT, RABBIT, RABBIT

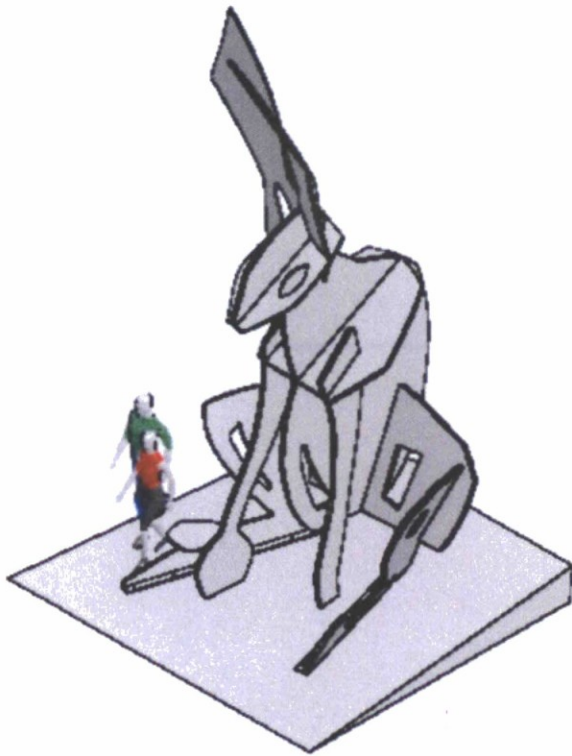
26' x 10' x 11', PAINTED STEEL PLATE

PRELIMINARY ITERATION

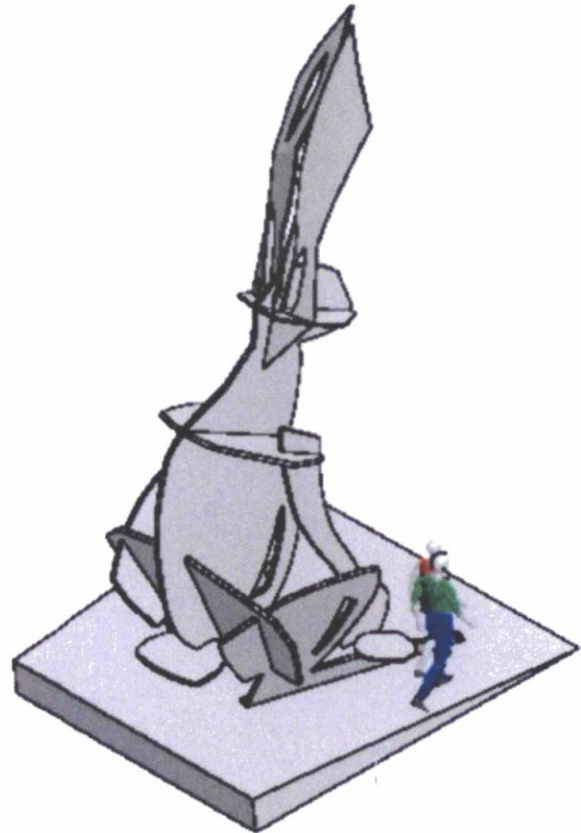
MATERIAL: ASTM PLATE

WEIGHT: 20,300 LBS. (APPROXIMATE)





ISOMETRIC - FRONT



ISOMETRIC - REAR

# JACKALOPE

26' x 10' x 11'. PAINTED STEEL PLATE

MATERIAL: ASTM A36 PLATE  
WEIGHT: 20,800 LBS. (APPROX.)



Here is John Randall Nelson's Photoshop comp, entitled "Black-Tailed Rabbit," which I received from Kevin Vaughn-Brubaker on Nov. 1, 2016, along with the schematic "Rabbit, Rabbit, Rabbit."



For reference, here is information on a "Black-Tailed Rabbit" [https://en.wikipedia.org/wiki/Black-tailed\\_jackrabbit](https://en.wikipedia.org/wiki/Black-tailed_jackrabbit) as well as on a "Jackalope" <https://en.wikipedia.org/wiki/Jackalope> which are two different things.

It appears that John Randall Nelson changed his "Rabbit" into a "Jackalope" after a meeting with the property owners next to the City's right of way at 7042 E. Indian School Road (in the Project Narrative), an address that will now apparently include a distillery. <http://www.azcentral.com/story/entertainment/dining/dominic-armato/2017/06/09/mma-fighter-holly-holm-brother-buys-eddies-house-scottsdale/384241001/>

Here is an excerpt from the Mar. 8, 2017, Scottsdale Public Art Board Meeting Minutes; "Public Art Manager, Kevin Vaughan-Brubaker provided details on the status of the Marshall Way Project. The project artist, John Randall Nelson, has submitted a revised design in response to recent meetings with property owners. The artist agreed to change his design to the mythical creature of a Jackalope agreeing that it fit with his original ideas for the project and communicates a whimsical nature while alluding to the kitschy Southwestern postcards and curios from the past decade. Mr. Vaughan-Brubaker presented the slight modifications to the ears to indicate a Jackalope by adding antler buds and referencing the mythical creature in the artist's new language for the plaque. These changes came about after a meeting with the Shipp family who own the property directly behind the statue location. The installation is planned to for May/June 2017, dependent on the outcome of Scottsdale Public Art's meeting with the DRB and approval of a building permit."

From the documentation that I've been able to compile through the City's Public Records, it is my understanding that City Council approved this "Marshall Way Entry Feature" as a Capital Improvement Project to be funded by bed-tax dollars with no pro forma, and that the City has already removed an entry feature at that location which was funded in part by bond money.

As a Scottsdale Citizen, it's disconcerting that this is how my City is stewarding bond money and spending bed tax dollars, in what appears to be appropriation and corruption.

Please take a moment to read the section entitled "Capital Project Management" from the Dec. 16, 2014, Tourism Development Commission Work Study Session Minutes. <http://www.scottsdaleaz.gov/AssetFactory.aspx?did=57042>

Here are some excerpts;

"Mr. Worth said the CIP General Fund will run out of money in year four unless projects are streamlined and/or additional money comes in from outside partners. The City is obligated to pursue federal and county grants, and this matching grant money helps stretch the City's sales tax revenue. Despite this, the City still has a significant amount of unmet needs. City Council will soon decide whether to approve another bond election and how it would be structured."

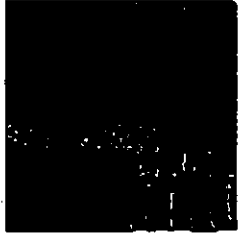
"Mr. Worth reviewed tourism projects currently in the CIP. These include the Marshall Way entry feature; the Scottsdale Museum of the West; the public art project for WestWorld, the Tony Nelssen Equestrian Center; and the TPC clubhouse and stadium renovation. Most of the funding put towards the various studies

regarding the DDC have not come out of the bed tax, but one study was funded with tourism money. While the DDC study appears in the FY2014/15 budget, it has mostly been paid off already. However, until it is officially finished and the contracts paid off, it has to be rebudgeted according to municipal budgeting practices.

Chairperson Scholefield asked about the steps taken to ensure that a bed tax funded project meets the eligibility requirements. Mr. Worth explained that when a project requests bed tax funding, Tourism is notified first. If they determine that the project qualifies, it is brought to the attention of the TDC. City Council has the prerogative to consider projects on short notice.

Chairperson Scholefield noted that the Marshall Way project just showed up on the proforma without explanation after it had been approved by City Council. The TDC never had a chance to consider it, even though City Council expects communication from the Commission. He said staff has the responsibility of providing information on City Council approved bed tax expenditures, along with the processes and procedures that were used to approve them. Mr. Worth agreed. Mr. Geiogamah said Tourism staff is monitoring City processes to identify projects that should come before the TDC."

Here is a copy of the Memorandum of Understanding that the City of Scottsdale has with Scottsdale Public Art.



LIVE THE ART. LOVE THE PLACE

## Memo of Understanding

**Date:** August 18, 2014

**From:** Donna Isaac, Scottsdale Public Art

**To:** Paul Katsenes, Economic Vitality  
Gary Meyer, COS Capital Project Managememe

**CC:** Melanie Gibson, CPM

**Re:** Marshall Way MOU

The City of Scottsdale and the Scottsdale Cultural Council have a n public art with the development of **MARSHALL WAY**. objective requires close coordination among the City and its client d the Scottsdale Cultural Council Public Art staff and the artists it com projects. This correspondence is a memo of understanding between Cultural Council to allow for project development under the following increase in funding must be mutually agreed upon in writing prior to

**Project Name:** MARSHALL WAY  
**Project Source:** Economic Vitality- DA02A  
**Agreement:** COS # Sec 5.2 Public Art Program  
**Project Budget:** \$150,000 for current MOU [Total Proj

The Scottsdale Cultural Council will:

- Act as liaison between the artist and City staff and its consul
- Coordinate artist selection process, to include City and ?
- Administer artist's contract and manage all accounting for th budget.
- Oversee all design, fabrication, and installation of approved
- Be responsible for public information, i.e., press release, and

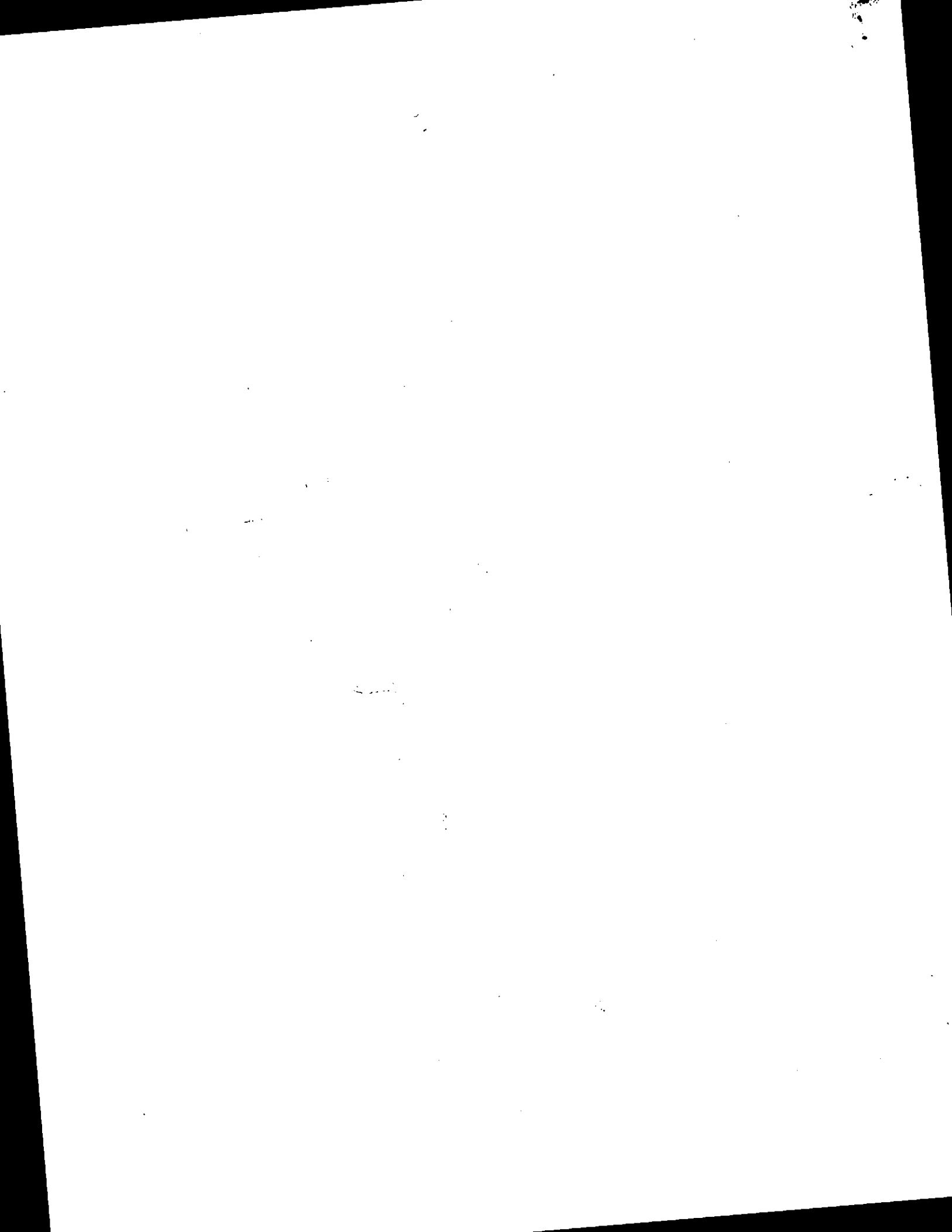
Additional history, information, and documentation about this "Marshall Way Entry Feature" can be found in my email thread entitled "Marshall Way Enhancement Project Citizen Petition against the Humping Rabbit" in the City's Public Records, which starts out with a message to Councilwoman Milhaven, dated Jun. 6, 2014, and entitled "Marshall Way Enhancement Project Citizen Petition."

I have provided you with all of this information in due diligence. Since I am unfamiliar with the procedure of my City in this regard, please have the appropriate person/s contact me with regard to mediation options in order to resolve this dispute regarding the City of Scottsdale, Scottsdale Arts, and John Randall Nelson appropriating and corrupting my Bob Petley Jackalope homage idea and project.

As courtesy, I am copying the artist and the Scottsdale Arts project manager, as well as the property owners next to City's right of way at 7042 E. Indian School Road, the Shipp family. It should be noted that "the Shipp family" is Herb Shipp, and his son, Christopher aka Blen, who are son and grandson of Earl Shipp. [http://www.eastvalleytribune.com/local/the\\_valley/earl-shipp-remembered-as-a-builder/article\\_94aa06ef-9be9-569d-a2af-32dbbae7b85b.html](http://www.eastvalleytribune.com/local/the_valley/earl-shipp-remembered-as-a-builder/article_94aa06ef-9be9-569d-a2af-32dbbae7b85b.html)

Dan Semenchuk

P.S. In my opinion, "Scottsdale Public Art" has become nothing more than an event production company aka "Canal Convergence," and on the part of my City, should be treated as such, just like my City treats the "Parada del Sol" and other Downtown Scottsdale events.



## Barton, Wayland

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**From:** Stockwell, Brent  
**Sent:** Friday, August 18, 2017 9:05 AM  
**To:** Dan Semenchuk  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; John Nelson; Kevin Vaughan-Brubaker; Donna Isaac; Herb Shipp; C.B. Shipp; Vickie Petley  
**Subject:** Response to additional questions regarding Marshall Way Entry Feature

Hello Dan,

To clarify, my understanding is that Scottsdale Public Art plans to announce the new title once the project receives a decision from the Development Review Board. The location is an issue raised by the DRB, so Scottsdale Public Art is working to site the sculpture appropriately at that location to address their concerns. A design is not "final" until it receives all necessary approvals.

The city did not expend any additional funds to remove the 1990-era entry feature and boulders. It was done using existing city equipment and staff time.

The city has an existing project to improve pedestrian accessibility Downtown, I have suggested to the project manager that removal of the boulders on Marshall Way (and other locations within Downtown) be considered as part of that project.

Below is a summary of the costs to date on this project that was reported by Scottsdale Public Art and the City's Public Works Department:

	Project Budget
Original Amount	\$150,000
LESS City Project Costs	(10,000)
LESS Artist Selection Costs	(4,600)
LESS Original Artist Design Costs	(17,000)
LESS Alternate Artist Design Costs	(9,000)
LESS Fabrication Process Costs	(56,000)
	<hr/>
	\$53,400

Please note that there has also been \$7,200 approved by the Zoning Administrator for Downtown Cultural Trust funds to cover lighting materials/fixtures (\$6,183) and for additional engineering and document creation (\$1,017) for the Development Review Board process. There may be additional costs not included in the above as a result of having to modify the site location to address DRB concerns.

City staff do fill out online time sheets on a bi-weekly basis, however time is charged to funds and cost centers, not to individual projects. An exception to this is the city's capital project management group, which does charge time to specific capital projects. This is how the \$10,000 withheld for city project costs is being charged, of which \$6,041 has been spent to date. In addition, \$7,000 in General Funds was added to the project to cover city work order credits typically charged for city capital projects, of which \$651 has been spent to date.

Many thanks. Sincerely,

Brent Stockwell  
Assistant City Manager  
480-312-7288

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**From:** Dan Semenchuk [mailto:dan@creativeconnect.org]

**Sent:** Monday, August 7, 2017 4:59 PM

**To:** Stockwell, Brent <BStockwell@scottsdaleaz.gov>

**Cc:** Phillips, Guy <GPhillips@Scottsdaleaz.gov>; Klapp, Suzanne <SKlapp@scottsdaleaz.gov>; Korte, Virginia <VKorte@Scottsdaleaz.gov>; Milhaven, Linda <LMilhaven@scottsdaleaz.gov>; Lane, Jim <JLane@ScottsdaleAZ.Gov>; Littlefield, Kathy <KLittlefield@Scottsdaleaz.gov>; Smith, David N <DnSmith@Scottsdaleaz.gov>; Venker, Steve <JVenker@Scottsdaleaz.gov>; Meyer, Gary <GMeyer@scottsdaleaz.gov>; Walker, Sharron <SWalker@scottsdaleaz.gov>; Washburn, Bruce <bwashburn@scottsdaleaz.gov>; Jagger, Carolyn <cjagger@scottsdaleaz.gov>; Worth, Daniel <DaWorth@scottsdaleaz.gov>; Thompson, Jim <JThompson@Scottsdaleaz.gov>; Churchard, Karen <KChurchard@Scottsdaleaz.gov>; Grant, Randy <RGrant@Scottsdaleaz.gov>; Basha, Paul <PBasha@Scottsdaleaz.gov>; Casey, Danielle <DCasey@Scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>; John Nelson <whonelson@cox.net>; Kevin Vaughan-Brubaker <KevinV@scottsdalearts.org>; Herb Shipp <canyonrider@mac.com>; C.B. Shipp <blen@mac.com>; Vickie Petley <vickiepetley@gmail.com>

**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

Just so you know, I'm compiling costs and determining a location for the Bob Petley Jackalope homage project, and working on a unique concept that I believe will draw attention to Downtown Scottsdale.

With regard to the Marshall Way Entry Feature, the earliest record of the City communicating with Scottsdale Public Art on this project is June 27, 2012, and this based on information that I received through City Public Records.

On that basis, could you please clarify your statement; Scottsdale Public Art is planning "to announce the title once the final design and location is set"?

How many "final designs" has this project now had?

Why is location still an issue?

According to City Public Records, this entry feature has to be at Marshall Way and Indian School Road.

Also, please read through this email thread, which you were not copied on, with regard to the entry feature that the City has already removed at that location.

I would start at the bottom and work up.

I would also like for the Development Review Board to read through it as well, in that the email thread contains information not only on the history of this project, but also on other similar City projects.

Would you please clarify and be specific as to how exactly the City is spending the \$150,000 in tourism dollars allocated for this project? To re-state, the total budget for the Marshall Way Entry Feature is not to exceed \$150,000 and is all inclusive.

How much did it cost the City to remove the existing entry feature?

In an email dated Oct. 29, 2014, City Auditor Sharron Walker stated; "The budget document that you attached to your email showed a \$140,000 total, which would leave \$10,000 in the City project budget for other costs."

The document that I had attached in my email message was page 19 from the Miami FL artists Marshall Way Entry Feature proposal, which is as follows;

ESTIMATED BUDGET - SEPTEMBER 19, 2014  
Fabrication and materials — \$70,000.00  
Insatallation — \$18,000.00  
Foundation — \$15,000.00  
Engineering & Permitting — \$5,000.00  
Insurance — \$2,300.00  
Crating/Shipping — \$4,500.00  
Artist Design and Oversight (18%) — \$25,200.00  
TOTAL — \$140,000.00

If you don't have their entire proposal, please let me know, and I'll forward it. These Miami FL artists were fired and paid \$15,000, and this left \$125,000 from their \$140,000 total.

In an email message entitled "RE: Marshall Way Enhancement Project Citizen Petition against the Humping Rabbit" and dated Nov. 17, 2016, you made this statement; "\$15,000 has been paid to the prior artist, and the current artist has a budget of \$120,000 to cover artist fees and local fabrication of the project."

This being the case, where was the \$5,000 difference between the \$125,000 and \$120,000 spent?

What exactly has been happening with the \$10,000 that Sharron stated was intended for "other costs"?

Would you please delineate all these costs? City Staff has been spending time a lot of time on this Marshall Way Entry Feature, based on Public Records documentation.

In an email message entitled "Marshall Way Project Questions & Follow Up" dated Apr. 10, 2015 Steve Geiogamah, stated "Approximately \$5,000 will be held back to cover the costs of City staff for this project" and he also stated that time spent on the part of the City up to that point amounted to \$1477, which seemed ridiculously low, in that Staff had been working on this project for almost three years at that point (it started with Ben Moriarity in at least June of 2012). It's now five years later, and it seems like Staff has spent a whole lot more than \$5,000, and even \$10,000 for "other costs," with still nothing to show the Citizens, other than a hole in the ground, which now needs something to cover it.

As I've suggested on multiple occasions, use the money, or what's left, to remove the rest of the hazardous boulders along Marshall Way, 5th Avenue, and Stetson Drive, and replace those areas with tourist-friendly sidewalks. If you would like additional opinion about the boulders, please check with Architect Doug Sydnor.

<https://www.arcadiapublishing.com/Products/9780738578774> He can tell you about when the City first proposed putting them into the sidewalks.

Otherwise, it seems to me that if Staff isn't being required to fill out time sheets, there is no accounting for how Staff is spending time. When I worked in the private sector, we filled out time sheets so we could account for how we were spending our time to the benefit of our Clients, and we then got paid for our time through documentation. It's the nature of any professional services organization. There doesn't seem to be that same accountability on the part of Staff, and this would be a good way for City Staff to demonstrate "professionalism" to the Citizens.

Thanks,  
Dan

On Aug 4, 2017, at 5:05 PM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Yes, the Development Review Board had concerns about the site location so they continued the item to a future date. Scottsdale Public Art is working to address the concerns and plans to go back to DRB in September or October.

Yes, Scottsdale Public Art is considering different titles for the artwork and not calling it "Jackalope." They plan to announce the title once the final design and location is set.

The Public Works Department removed the existing sign and boulders to prepare the site for the artwork based on the initial schedule of installation of February 2017.

There is no estimate of staff time associated with this project. The only costs to date have been incurred by Scottsdale Public Art.

Sincerely,  
Brent Stockwell  
Assistant City Manager  
480-312-7288

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**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]  
**Sent:** Wednesday, August 2, 2017 4:26 PM  
**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

It looks like the Development Review Board has chosen to continue this case. [http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-minutes/07-06-17 Approved Minutes.pdf](http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Boards/Development/agendas-minutes/2017-minutes/07-06-17%20Approved%20Minutes.pdf)

In the meantime, why did the City already remove the existing entryway monument and create an eyesore?

Also, I am still awaiting your responses to these questions;

From a project management standpoint, would you please provide me some insight as to why the City just doesn't stop calling this art project a "Jackalope," knowing that it's costing more taxpayer dollars to do so? Wouldn't it make more sense to call it what it is, a rabbit, and be done with it?

Would you please provide an estimate of time/cost on the part of the City for this project to date?

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature on this art project?

And if you would, please postpone this project and be patient with me as I continue to seek counsel. I have been unable to speak with one of my Advisory Board Members [http://www.creativeconnect.org/assets/docs/09\\_2015\\_Overview.pdf](http://www.creativeconnect.org/assets/docs/09_2015_Overview.pdf) in that he's been out of the country coaching the South Sudan Basketball Team, but is also a Mediation/Litigation Attorney.

Finally, I was recently told that Scottsdale has the highest per capita debt of any Valley municipality, and will be looking into that as well.

## Barton, Wayland

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**From:** Dan Semenchuk <dan@creativeconnect.org>  
**Sent:** Thursday, July 06, 2017 11:09 AM  
**To:** Stockwell, Brent  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchar, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; John Nelson; Kevin Vaughan-Brubaker; Herb Shipp; C.B. Shipp; Vickie Petley  
**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Brent,

I know that you've been communicating separately with Vickie Petley, Bob Petley's daughter, and that she has expressed her frustration over this situation and this project. She doesn't feel like our City is showing support and respect, and it appears that her request to the City is "without merit" as well. So, she will be seeking counsel to see what she can do to protect her father's creative work by not having this Giant Pink Humping Rabbit referred to as a "Jackalope." Again, the City's Project Narrative states; "For over 50 years Jackalope postcards have been a classic Southwestern souvenir" clearly referencing her father's work. It appears that the City is also compelling me to seek counsel as well in order to protect my idea of creating an homage project for her father, which would look nothing like the "Jackalope" the City is putting up.

On that basis, would you please ask the City to put a hold on this project until Vickie and I have had a chance to explore our options? The City has been working on this project since 2013 and there is no deadline for it.

In the meantime, from a project management standpoint, would you please provide me some insight as to why the City just doesn't stop calling this art project a "Jackalope," knowing that it's costing more taxpayer dollars to do so? Wouldn't it make more sense to call it what it is, a rabbit, and be done with it?

Again, would you please provide an estimate of time/cost on the part of the City for this project to date?

I am also restating my request to the Development Review Board to postpone reviewing this case, for several reasons, one of which is the location.

In spite of what the City believes, I believe that an art project of this scale is not appropriate for that location and corner.

It also has to do with the nature of the artwork itself at that location, hence the "crotch shot." Since Councilman Smith sits on the Development Review Board, and his wife sits on the Scottsdale Arts Advisory Board, I am also making my request directly to him.

On a side note, Councilman Smith recently wrote in a promotional newsletter; "Council adopted a Balanced Budget for next year... that's good! Unfortunately, the Budget isn't sustainable and hasn't been for several years. That's because the money we budget for capital improvements is woefully short of the amount needed. For the fourth year in a row, your city's net depreciable assets declined. In the private sector, that's called business liquidation."

City Council approved money for this as a Capital Improvement Project entryway feature, not an art project, which as documented and by definition are two completely different things. The Miami FL artists were clearly working on an entryway feature, and artist John Randall Nelson is clearly working an art project, a project with no tie-in to Marshall Way.

Would you please let me know why, from a project management standpoint, the City believes that it can spend money that City Council secured for an entryway feature on this art project?

Thanks,  
Dan

On Jul 5, 2017, at 6:21 PM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Thank you for your email. To respond to your direct questions:

As I stated before, the city reviewed your request and found it without merit. As a result, there would be no need for the city to mediate regarding this issue.

The City of Scottsdale has an agreement with Scottsdale Cultural Council (dba Scottsdale Arts) for management and administration of public art. Per the agreement, "the city shall not make any decisions pertaining to the design, selection and management of City Artwork, including the selection of artists." As a result, any questions or concerns about public art should be directed directly to Scottsdale Arts. They have the ability to make decisions about design of public art.

To clarify, the item on the July 6 Development Review Board agenda is to approve the site plan for the location and lighting of this project. The art work itself, and the name of the artwork, is outside the scope of the Development Review Board.

I've not pulled the most recent employee statistics but 30% seems accurate. As I've mentioned before, in November 1967 the Scottsdale voters removed a requirement from the Scottsdale City Charter that employees be Scottsdale residents. Only officers of the city (city attorney, city auditor, city clerk, city manager, city treasurer) are required to live within the city limits. So staff are not required to reside in Scottsdale, and it would be unfair to judge their professional competence and commitment based on home address.

I realize my responses are not what you are wanting, but this is the process I must follow unless directed differently by the City Council.

Sincerely,

Brent Stockwell, Assistant City Manager  
Scottsdale City Hall, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251  
[BStockwell@ScottsdaleAZ.gov](mailto:BStockwell@ScottsdaleAZ.gov) | 480-312-7288

**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]

**Sent:** Wednesday, July 5, 2017 9:45 AM

**To:** Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>

**Cc:** Phillips, Guy <[GPhillips@Scottsdaleaz.gov](mailto:GPhillips@Scottsdaleaz.gov)>; Klapp, Suzanne <[SKlapp@scottsdaleaz.gov](mailto:SKlapp@scottsdaleaz.gov)>; Korte, Virginia <[VKorte@Scottsdaleaz.gov](mailto:VKorte@Scottsdaleaz.gov)>; Milhaven, Linda <[LMilhaven@scottsdaleaz.gov](mailto:LMilhaven@scottsdaleaz.gov)>; Lane, Jim

## Barton, Wayland

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**From:** Stockwell, Brent  
**Sent:** Wednesday, July 05, 2017 6:22 PM  
**To:** Dan Semenchuk  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; John Nelson; Kevin Vaughan-Brubaker; Herb Shipp; C.B. Shipp; Vickie Petley; Donna Isaac; Neale Perl  
**Subject:** RE: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Hello Dan,

Thank you for your email. To respond to your direct questions:

As I stated before, the city reviewed your request and found it without merit. As a result, there would be no need for the city to mediate regarding this issue.

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To clarify, the item on the July 6 Development Review Board agenda is to approve the site plan for the location and lighting of this project. The art work itself, and the name of the artwork, is outside the scope of the Development Review Board.

I've not pulled the most recent employee statistics but 30% seems accurate. As I've mentioned before, in November 1967 the Scottsdale voters removed a requirement from the Scottsdale City Charter that employees be Scottsdale residents. Only officers of the city (city attorney, city auditor, city clerk, city manager, city treasurer) are required to live within the city limits. So staff are not required to reside in Scottsdale, and it would be unfair to judge their professional competence and commitment based on home address.

I realize my responses are not what you are wanting, but this is the process I must follow unless directed differently by the City Council.

Sincerely,

Brent Stockwell, Assistant City Manager  
Scottsdale City Hall, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251  
BStockwell@ScottsdaleAZ.gov | 480-312-7288

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**From:** Dan Semenchuk [mailto:dan@creativeconnect.org]  
**Sent:** Wednesday, July 5, 2017 9:45 AM  
**To:** Stockwell, Brent <BStockwell@scottsdaleaz.gov>  
**Cc:** Phillips, Guy <GPhillips@Scottsdaleaz.gov>; Klapp, Suzanne <SKlapp@scottsdaleaz.gov>; Korte, Virginia <VKorte@Scottsdaleaz.gov>; Milhaven, Linda <LMilhaven@scottsdaleaz.gov>; Lane, Jim <JLane@ScottsdaleAZ.Gov>; Littlefield, Kathy <KLittlefield@Scottsdaleaz.gov>; Smith, David N <DnSmith@Scottsdaleaz.gov>; Venker, Steve <JVenker@Scottsdaleaz.gov>; Meyer, Gary <GMeyer@scottsdaleaz.gov>; Walker, Sharron <SWalker@scottsdaleaz.gov>;

From: Dan Semenchuk <dan@creativeconnect.org>

Subject: **Marshall Way Monument**

Date: October 4, 2013 6:00:32 PM MST

Bcc: Guy Phillips <guyrphillips@gmail.com>, Rachel Smetana <rsmetana@scottsdaleaz.gov>, Fritz Behring <citymanager@scottsdaleaz.gov>, Suzanne Klapp <sklapp@scottsdaleaz.gov>, "J.P. Twist" <jptwist@scottsdaleaz.gov>, Linda Milhaven <lmilhaven@scottsdaleaz.gov>, Virginia Korte <korte@kortescottsdale.com>, Dennis Robbins <d Robbins@scottsdaleaz.gov>, Kelly Corsette <kcorsette@scottsdaleaz.gov>, Bob Littlefield <rlittlefield@scottsdaleaz.gov>, Jim Lane <jlane@scottsdaleaz.gov>, Raun Keagy <rkeagy@scottsdaleaz.gov>, Randy Grant <rgrant@scottsdaleaz.gov>, Paul Katsenes <pkatsenes@scottsdaleaz.gov>, Mike Phillips <mphillips@scottsdaleaz.gov>, Steve Geiogamah <sgeiogamah@scottsdaleaz.gov>, Danielle Casey <dcasey@scottsdaleaz.gov>, Rob Millar <rmillar@scottsdaleaz.gov>, Kelly Corsette <kcorsette@scottsdaleaz.gov>, Bob Tunis <rtunis@scottsdaleaz.gov>, Linda Walton <lwalton@scottsdaleaz.gov>, Kim Hanna <khanna@scottsdaleaz.gov>, Cindi Eberhardt <ceberhardt@scottsdaleaz.gov>, Dan Symer <dsymer@scottsdaleaz.gov>, Steve Venker <svenker@scottsdaleaz.gov>, rhayslip@sscarts.org

▶ 2 Attachments, 14.0 MB



As the city continues to move forward with an entryway feature for Marshall Way, it should be noted that the information being used in the Request for Qualifications is somewhat outdated. Marshall Way has become a collection of "destination" businesses, and is not known as a pedestrian street. It is similar to Craftsman Court in that regard. It does not contain a large number of retail businesses like 5th Avenue.



[Marshall Wa...pdf \(180 KB\)](#)

The RFQ states that Marshall Way is "setting its sights on becoming one of the great arts streets in the region." In fact, of the 30+ businesses on Marshall Way, only seven are art galleries. Here is a visual collection of those businesses, with a note on each image.



[Marshall Way.pdf \(13.8 MB\)](#)

Two galleries, Blue Rain and Bezalel recently moved from Marshall Way to Main Street. Maybe it's Main Street that should be billed as "one of the great arts streets in the region."

Main Street already has an entryway feature on Goldwater Boulevard. There are storefronts on either side of it that have been vacant for years.

I understand that one of the first groups to form in Downtown Scottsdale was the Arizona Craftsmen Association. Instead of another monument, maybe we could dedicate resources towards building or rebuilding a relevant and sustainable artist/creative community? This [article](#) describes how the City of Mesa is doing that.

In April of last year, I was contacted by a young woman through [Creative Connect](#), and she was looking for help in establishing a creative center. She hadn't identified a specific location, and at the time was looking in the Scottsdale and McDowell Roads area. When we met, I explained that if she located the creative center in Downtown Scottsdale, that I would be able to help her support and promote it as "[The Creative Center of Scottsdale](#)." Her family now owns the five buildings north of Scottsdale and Goldwater, which includes Brat Häus. The three other buildings are currently being remodeled.

Also in April last year, I randomly met a couple at [Cartel Coffee Lab](#). They confided that they were looking to open their own coffee shop in a former knitting shop building on Goldwater and Scottsdale Road. They thought that Cartel might view them as competition. I assured them that Downtown Scottsdale can accommodate many local coffee shops, and I connected them to the owner of Cartel. Since then, they have purchased equipment from him, and they will be buying their coffee beans from Cartel. They are the owners of [Sip Coffee & Beer House](#), which will be in that former knitting shop, on the campus of The Creative Center of Scottsdale. They live two and a half blocks away.

On a side note, another recent random Cartel connection has led to [The Drip Room](#) becoming a Creative Connect sponsor and partner. Its owners live in our Village Grove 7 neighborhood.

In May of this year, I was contacted by [Design Within Reach](#) on Scottsdale Road and Highland. They were planning an event

to celebrate International [Yarn Bombing](#) Day at their store, and they were hoping to do a yarn bomb installation somewhere in Downtown Scottsdale in conjunction with their event. I was able to get permission from the city to have the artist yarn bomb bicycle racks on Marshall Way and 3rd Ave. I had worked with the city to get those installed in May of last year.

The yarn bomb artist has been commissioned to do a yarn installation in Sip Coffee & Beer House, paying homage to the space as a former knitting shop.

On a related note, if you didn't see this [article](#), it talks about how I salvaged bullet shells from the basement of The Creative Center of Scottsdale (formerly Mandall's Gun Supplies & Range). My artist friend Sam has been making jewelry out of them. She owns [Broken Bullet Gallery & Boutique](#) on Craftsman Court.

Craftsman Court is the location of the first public art mural that I facilitated in Downtown Scottsdale. It's on the front of [Citizen Public House](#) (the original [Trader Vic's](#) building), and the owners credit the mural for bringing them visibility, and business. The artist is Sean Griffin, aka [Griffin One](#), and his parents own [Outrageous Olive Oil](#) on Main St. and Brown Ave., in the Old Town District (which I hope can be changed to "Historic District"). The Citizen Public House owners just opened another restaurant on Camelback and 24th St. called [The Gladly](#), and they brought Sean in from Oakland CA, where he now lives, to create murals inside their new restaurant.

In Monday's paper, there was an [editorial](#) by Kimber Lanning, Director of [Local First AZ](#). Kimber is a friend, and at one point, I was considering bringing Creative Connect under the Local First AZ organizational structure. Instead, I've chosen to keep Creative Connect independent, and now headquartered in Downtown Scottsdale.

In order to focus efforts on creating positive change in Downtown Scottsdale, we recently formed a group called [Downtown Scottsdale Voices](#). We are a collective of creative people, and our first meeting was held at [Salon On Point](#) on Marshall Way. We will be looking at projects like the proposed entryway on Marshall Way. Our intent will be to have time and money spent on projects that are relevant, and to invest in communities that are sustainable.

Thanks,  
Dap

From: **Smetana, Rachel** [RSmetana@scottsdaleaz.gov](mailto:RSmetana@scottsdaleaz.gov)  
Subject: FW: Marshall Way Enhancement Project Citizen Petition  
Date: September 16, 2014 at 12:59 PM  
To: Earle, Derek [DEarle@scottsdaleaz.gov](mailto:DEarle@scottsdaleaz.gov)  
Cc: Dan Semenchuk [dan@creativeconnect.org](mailto:dan@creativeconnect.org)



Hi Derek –Dan Semenchuk requests a meeting with you regarding the Marshall Way project. He is copied on this e-mail or can be reached at 602-421-3834. He met with the Mayor a few weeks back and had some questions we couldn't answer regarding project management.

Dan, Derek's direct line is 480-312-2776.

I hope this is helpful,

**Rachel Smetana**

Interim Chief of Staff  
Mayor's Office  
City of Scottsdale  
480-312-7977  
[rsmetana@scottsdaleaz.gov](mailto:rsmetana@scottsdaleaz.gov)

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**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]  
**Sent:** Tuesday, September 16, 2014 11:34 AM  
**To:** Smetana, Rachel  
**Cc:** Milhaven, Linda  
**Subject:** Fwd: Marshall Way Enhancement Project Citizen Petition

Rachel,

After our meeting and per the Mayor's suggestion, would you please set up a meeting with Derek Earle to discuss this project? Here's the portion of the transcript from the Council Meeting.

Here is the document that contains Mr. Earle's email messages on this project.

Thanks,  
Dan

Begin forwarded message:

**From:** "Walker, Sharron" <[SWalker@scottsdaleaz.gov](mailto:SWalker@scottsdaleaz.gov)>  
**Date:** July 24, 2014 7:24:22 AM MST  
**To:** "Dan Semenchuk" <[dan@creativeconnect.org](mailto:dan@creativeconnect.org)>  
**Cc:** "Behring, Fritz" <[FBehring@Scottsdaleaz.gov](mailto:FBehring@Scottsdaleaz.gov)>, "Richard Hayslip" <[RichardH@sccarts.org](mailto:RichardH@sccarts.org)>, "Milhaven, Linda" <[LMilhaven@scottsdaleaz.gov](mailto:LMilhaven@scottsdaleaz.gov)>, "Lane, Jim"

<[JLane@ScottsdaleAZ.Gov](mailto:JLane@ScottsdaleAZ.Gov)>, "Katsenes, Paul"  
<[PKatsenes@scottsdaleaz.gov](mailto:PKatsenes@scottsdaleaz.gov)>, "Smetana, Rachel"  
<[RSmetana@scottsdaleaz.gov](mailto:RSmetana@scottsdaleaz.gov)>

**Subject: RE: Marshall Way Enhancement Project Citizen Petition**

Dan,

Thank you for following up with me. I thought we talked about these particular points when we met on June 6, so I'm glad you let me know that I wasn't clear.

First, the Council has the authority to use bed tax funds for tourism-related capital projects. Here are some specific reference documents:

In Resolution 9570, the Council's adopted financial policy for the bed tax monies is as follows:

"21A. One hundred percent (100%) of the transient lodging (bed) taxes received by the City shall be deposited into the Special Revenue Fund for Tourism Development. ....

As approved by the voters, fifty percent (50%) of the transient lodging (bed) tax revenues will be used for tourism-

marketing. Use of the remaining Special Revenue Fund for Tourism Development revenues will be allocated annually as follows:

- \$1,500,000 for the General Fund;
- \$1,200,000 for Events and Event Development;
- \$500,000 for tourism-related administration and research;
- \$500,000 for one-time commitments to capital projects, events and event development, or administration and research;
- The balance for tourism-related capital projects, in the form of one-time commitments or multiyear annual commitments, not to exceed \$600,000 per project.

At the end of each fiscal year, any unused funds in the Special Revenue Fund for Tourism Development will be available for use in following years for any of the non-marketing tourism categories (except the general fund category) ...."

This policy was also spelled out in Ordinance 4019 dated May 8, 2012. (Earlier ordinances and resolutions provided similar allowable uses, but the separate special revenue fund hadn't been set up yet.) So the Council has the authority to use the non-marketing bed tax/ carryover monies for one-time tourism-related capital projects such as the Marshall Way entry project.

Yesterday, I reviewed the related Council meeting videos and reports again. This project was specifically discussed at Council meetings on April 16, 2013 and May 7, 2013 and added during budget development. During the April 16 Council meeting, Marshall Way entry project was described as tourism-related and Council direction was given to review whether bed tax funds could be used. The powerpoint slides for agenda item 14 on May 7 (page 27 of the 67 page item) lists "City Council Requests from April 16<sup>th</sup> Meeting" with the first item: "Add CIP Project for Marshall Way Entry Art Feature with budget of \$150,000 funded by Bed Tax Funds."

Second, regarding whether the monies are being used for anything other than a Capital Improvement Project:

A City public art project is considered to be a Capital Improvement Project. While Scottsdale Public Art handles the artist/art selection, City staff still manages and pays for the project. City staff has established a CIP for this project. In fact, a copy of the CIP project summary was among the documents you provided to me.

From our past meetings, I understand your perspective is that an entryway project is not needed at that location. However, based on the limited review I have performed, I haven't seen an indication that the \$150,000 is being used for anything other than an allowable use that was authorized by the Council.

Best regards,

--Sharron  
(480) 312-7867

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**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]  
**Sent:** Tuesday, July 22, 2014 7:57 PM  
**To:** Walker, Sharron  
**Cc:** Behring, Fritz; Richard Hayslip; Milhaven, Linda; Lane, Jim; Katsenes, Paul; Smetana, Rachel  
**Subject:** Re: Marshall Way Enhancement Project Citizen Petition

Sharron,

Since I haven't hear anything since our June 6 meeting, I am following up.

Based on the information that you received and reviewed, is there any justification to the Citizens that the \$150,000 bed tax funds, secured outside of proper procedure, can be used for anything other than a Marshall Way Entry Feature as a Capital Improvement Project?

I have scheduled a meeting with the Mayor to walk 5th Ave. and Marshall Way, and have copied him on this message. Also copied is Paul Katsenes.

Thanks,  
Dan

On Jun 4, 2014, at 11:05 AM, Dan Semenchuk wrote:

Good morning Sharron,

My request to put a hold on the Marshall Way Enhancement Project was directed to Councilwomen Milhaven as Council contact for this project.

I copied you so that you could have the document containing City staff email messages, the location reference images, and links to news articles and websites. I also copied Fritz Behring and Dick Hayslip, in that I've met with them on this and want to keep them in the loop.

I understand that the purpose of our meeting will be to try and determine if proper procedure was followed to secure the \$150,000 in taxpayer money, and to determine what the money is to be used for. It should be noted that my concern is also for the amount of City staff time/money spent on this project up to this point.

I look forward to spending some time with you to discuss.

Thanks,  
Dan

On Jun 4, 2014, at 7:21 AM, Walker, Sharron wrote:

Good morning Dan,

To clarify, I have agreed to meet with you to hear your concerns and receive any information you wish to share, but I have not yet determined what, if any, further actions I will take.

The City Auditor's role is to evaluate compliance, economy, efficiency, controls – how well the City conducts its business and how it can do better. The Auditor role does not include putting on hold a Council budget item to determine whether or not that money should be spent. The City Manager has responsibility for developing the City's budget, and the Council provides direction and approves the budget plan.

Citizen concerns such as yours inform me of areas where the City may not have sufficient controls or processes in place for ensuring economical, efficient use of taxpayer money. This important insight I weigh, along with other risk areas that have been identified throughout the year, when developing my audit plan. At times, the concerns can be serious enough to merit a more immediate investigation. But at this point, I have not made any determination regarding your Marshall Way concerns.

I look forward to meeting with you later this week.

Best regards,  
--Sharron  
(480) 312-7867

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**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]  
**Sent:** Tuesday, June 03, 2014 5:03 PM  
**To:** Milhaven, Linda  
**Cc:** Walker, Sharron; Behring, Fritz; Richard Hayslip  
**Subject:** Marshall Way Enhancement Project Citizen Petition

Councilwoman Milhaven,

I have set up a meeting with the City Auditor to submit and review additional Public Record information on the "Marshall Way Enhancement Project." Additional information is also included in this message, which is being entered into Public Record.

Based on the information contained in this document obtained through Public Records

, the \$150,000 was secured for a "Marshall Way Entry Feature" on Marshall Way and Indian School. This in spite of the fact that there already exists an entryway feature and a Scottsdale Public Art installation at that location.





The City Auditor will need to determine if the \$150,000 can be used for anything other than for an entry feature.

The "group of merchants" that called for this project appears to be the "We Are Marshall" group, led by Teresa Lewis, store manager for Touchstone, which is headquartered in Cedar Crest, New Mexico. <http://www.touchstonegalleries.com/locations.html> She is on record for having attended the Council Subcommittee on Economic Development meeting when the presentation for the project was made. The phone number in this Nov. 7, 2012 article is for Touchstone's Marshall Way store. <http://azbigmedia.com/ab/small-biz/gallery-owners-merchants-form-marshall> This article states that Marshall Way is "the Valley's most popular art street" and that it "houses the largest concentration of contemporary Art Galleries in Arizona." The "Main Street Galleries" group, representing the section of Main St. between Scottsdale Rd. and Marshall Way, also makes that claim, and claims to be "home" to ArtWalk. <http://www.mainstreetartgalleries.com/about.html> There is also a second group of contemporary art galleries on Main Street called "Scottsdale Gallery Row," representing the section between Marshall Way and Goldwater Blvd.

With regards to the Marshall Way versus Main Street battle, this was Ms. Lewis' response to a message sent to Marshall Way merchants on Oct. 24, 2012.

Marshall Way's Facebook page has been most recently used to promote Touchstone. <https://www.facebook.com/scottsdalesmarshallway> There were some posts for Blue Rain and Bezalel Galleries, but they've moved to Main Street. There is also a post on the page on Apr. 18, 2013 that reads; "Thanks to leadership from Scottsdale councilwoman Milhaven and support from the Mayor and others on council it appears Marshall Way is in position to obtain funding for a major entry way feature at marshall way and Indian School per the request of many involved with the effort."

Ms. Lewis is board Secretary for the "We Are Marshall" group, and it operates under the Scottsdale Gallery Association (SGA), which is as a 501(c)6 non-profit. <http://scottsdalegalleries.com/fact-sheet/> "Main Street Galleries" and "Scottsdale Gallery Row" also operate under the SGA. Ms. Lewis is also an SGA board member. SGA's President is Veronica Graffius, who is Managing Partner for Calvin Charles Gallery, located across the street from Touchstone

Carvin Charles Gallery, located across the street from Touchstone  
on Marshall

Way. <http://www.azcentral.com/community/scottsdale/articles/2013/0823scottsdale-entry-feature-promoted-marshall-way.html>

The President and Vice President of the "We Are Marshall" group are hair salon owners. In this recent article, Ms. Lewis expresses an opinion about hair salons on Marshall Way, and states that the street has had a "huge shift toward the service industry." <http://www.azcentral.com/story/news/local/scottsdale/2014/05/30/lisa-sette-gallery-vacates-marshall-way/9771799/> The article also states that the purpose of the Marshall Way entry feature is to "to draw visitors from the gallery row on Main Street to Marshall Way."

It looks like a "turf war" is taking place between "We Are Marshall," "Main Street Galleries," and "Scottsdale Gallery Row," and that the City is throwing money at it. There doesn't appear to be any consensus or purpose from the area for this project. Also, there doesn't appear to have been any kind of public or community input. The so-called "stakeholders" appear to have been self-appointed or selected by Economic Development.

Since you have been identified as having proposed this project to the City, as a Scottsdale Citizen I am petitioning that this project be put on hold until the City Auditor has had a chance to review the information, to determine what the City can and should do with the \$150,000.

Respectfully,  
Dan Semenchuk



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PDF

Marshall Way  
file\_Re...ted.pdf

From: **Smetana, Rachel** RSmetana@scottsdaleaz.gov  
Subject: RE: The Mayor and City Council and the Decline of Downtown and South Scottsdale  
Date: August 23, 2016 at 11:20 AM



To: Dan Semenchuk dan@creativeconnect.org  
Cc: Phillips, Guy GPhillips@Scottsdaleaz.gov, Korte, Virginia VKorte@Scottsdaleaz.gov, Klapp, Suzanne SKlapp@scottsdaleaz.gov, Milhaven, Linda LMilhaven@scottsdaleaz.gov, Littlefield, Kathy KLittlefield@Scottsdaleaz.gov, Lane, Jim JLane@ScottsdaleAZ.Gov, Smith, David N DnSmith@Scottsdaleaz.gov, Biesemeyer, Brian K BBiesemeyer@Scottsdaleaz.gov, Stockwell, Brent BStockwell@scottsdaleaz.gov, Corsette, Kelly KCorsette@scottsdaleaz.gov, Worth, Daniel DaWorth@scottsdaleaz.gov, Walker, Sharron SWalker@scottsdaleaz.gov

Dan –

You've already done several murals in downtown Scottsdale with success, so I am sure you understand and can navigate the process. There is no need for me to demonstrate my "love for south Scottsdale" to you in any way, practical or otherwise.

Although personally I find you exceptionally difficult to interact with (especially via these monolithic emails), I like more than a few of your ideas and wish you the best of luck going forward.

Regards,  
Rachel

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**From:** Dan Semenchuk [mailto:dan@creativeconnect.org]  
**Sent:** Friday, August 19, 2016 3:13 PM  
**To:** Smetana, Rachel  
**Cc:** Phillips, Guy; Korte, Virginia; Klapp, Suzanne; Milhaven, Linda; Littlefield, Kathy; Lane, Jim; Smith, David N; Biesemeyer, Brian K; Stockwell, Brent; Corsette, Kelly; Worth, Daniel; Walker, Sharron  
**Subject:** Re: The Mayor and City Council and the Decline of Downtown and South Scottsdale

Rachel,

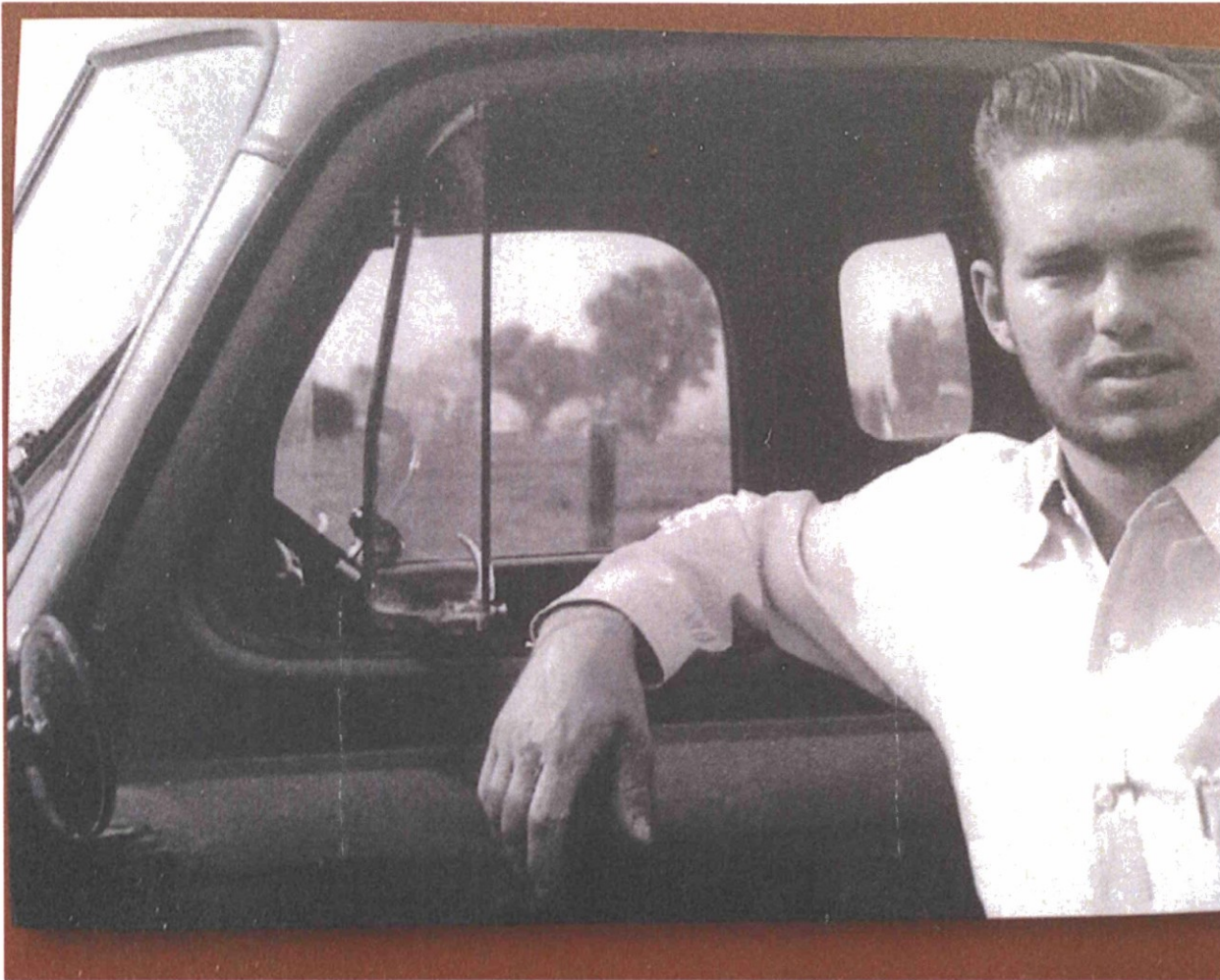
I have personal history with the Scottsdale Historical Society. After a meeting with Paul Messinger in 2012, I volunteered my time and connections to help restore and update the displays in the museum, and Paul offered to help cover the hard costs. Joanne Handley stepped in and messed things up, causing me to rescind my offer. If you're interested, you can read about that here.

[Your husband, Tim, was one of the Directors at the time,](#) and Don Hadder was your predecessor as President. Don Hadder is currently on the "[Focus Group](#)" for the [Marshall Way CIP](#) along with Wayne Ecton, Gary Meyer, Dewey Schade, etc., and your "[Downtown Specialist](#)" successor, [Ben Moriarity](#) along with [Jason Rose](#), lobbied the Mayor and City Council to spend \$150,000+ in bed tax money on the project.

Since you responded to my message to Brent Stockwell as the Mayor's Chief of Staff and as President of the Scottsdale Historical Society, I have four history public art projects that you can help with as a practical way of demonstrating your "love for South Scottsdale." It's been hard for me to get stuff done without dealing with the politics.

The first is a mural of Paul Messinger on George Cavalliere's little building east of his blacksmith shop, on the wall that faces the [Los Olivos](#) parking lot. There's a connection

with Paul and the Corral Family. I'd like to use this image of Paul as a teenager next to his truck.



I would like for this project to pay homage to him and celebrate his life while he's still with us, and I know that he would get a kick out of seeing this. I had spoken with George about it, and at one point he seemed willing, but then backed off when Joanne Handley and Marilyn Atkinson made such a fuss over the public art baseball mural that we put up on the Pink Pony building. Would you please help get this mural permitted and paid for? (Paul helps the Mayor with his campaigns.) I can coordinate with an artist.

The second project is to do a mural of Gerbacio Noriega, a Scottsdale Vaquero, on the side of the boxy beige "livery stable" named after him,





and we would use this picture of him.





Would you please get this mural approved and paid for as well? It's a City building, and public art funds should be used. I can coordinate with an artist.

The third project is to do a mural on the alley side of the building opposite the Pink Pony baseball mural, where Az-Tex Hat Company is located. I would like to use this picture of the [Corral Family](#) in the Parada del Sol.



Would you please get this mural permitted and paid for? I can coordinate with an artist. Eventually, I would like for there to be public art down that entire alley to Brown Ave., to pay homage to the Valley's original creative community, the Arizona Craftsmen, who were first located on Brown Ave., before moving to and creating the 5th Avenue District.

The fourth project is to move this statue of Winfield Scott (whose biography was published by the City in 1978)





currently located in the middle of an office complex on his former farm, to a location where the public can actually see it, maybe to the City's [Design Studio \(Ascension Lutheran Church\)](#). Or it could be moved to where the [Charles Miller](#) statue is located on the corner of Indian School and Miller Roads, also on Scott's farm site. The Charles Miller statue should have probably been moved along with his house, [which was moved to 1st Street](#), and the Dee Flagg designed [cowboy sign](#) on Scottsdale Road and Main Street should be moved a block east of his house, in front of the Museum of the West in the Arts District.

### Then and Now: Main Street and Scottsdale Road



**THEN:** Frederick's Chevron Station was at the northeastern corner of Main Street and Scottsdale Road in downtown Scottsdale. It was owned by Vernon Don (Jim) Frederick, a city councilman who was murdered in 1954.

**NOW:** The intersection is the heart of Old Town Scottsdale, anchored by a Gilbert Ortega gallery and the renowned cowboy sculpture.

PHOTO BY: Scottsdale Historical Society (Then), Dave Seibert/The Arizona Republic (No

JUMP TO **36** OF 73 **GO**

The corner where it's currently located is a mess. In case you hadn't seen it, here's a [story on murdered City Councilman V.D. Frederick](#) who owned the gas station on Scottsdale Road and Main Street in the before picture.

A few days ago, I spent some time looking through old pictures that Gilbert Ortega Jr. has (which should be included in Scottsdale Historical Society's collection, if they're not already), and we bemoaned the fact that the art deco station on Main St. and Scottsdale Rd. wasn't adaptively reused. It would easily be a Downtown Scottsdale attraction. ([Sip Coffee and Beer Garage](#) is in an old Avis Lube garage on Indian School Road and 36th Street.) Several years ago, I suggested that the "Old Town District" be renamed the "Historic District," because of the number of remaining buildings in that area that have "Historic" designation. I think that the term "Historic" has much broader appeal than the term "Old Town," and I also think that we should be including the terms "Vintage" and "Iconic" in discussions regarding how we define "Historic" in Scottsdale, like with the [Trader Vic's building](#). The "Historic" Villa Monterey was built in the 60s. Marty Mandall originally opened Mandall's Shooting Supplies in a Mid-Century building that I work out of and where [Sip Coffee & Beer House](#) is located, and where the Mayor just had his campaign event. The Mandall's Shooting Supplies buildings (his second building is now [The Creative Center of Scottsdale](#)) and signage have "Iconic" status, and need to be preserved. Next door to Sip is Goldwater Brewing Co., in a Mid-Century building that housed a transmission shop and an automobile repair garage. Scottsdale's history is not so much about [horse power, as it is horsepower](#), and Scottsdale's horses have been primarily for luxury and leisure.

From a historic standpoint, one of the main reasons that tourists were able to come to Scottsdale in large numbers was because of cars, and because of that, the car dealerships and the "Motor Mile" are an important part of Scottsdale's history, and should be preserved as such. Barrett-Jackson contributes much to the local economy, and [Craig Jackson went to Coronado High School](#), where Arizona's Historian Marshall Trimble taught. I think that the car dealership buildings on McDowell Road need to be adaptively reused, not torn down for more residential units like this one next to the canal, or "Waterfront."



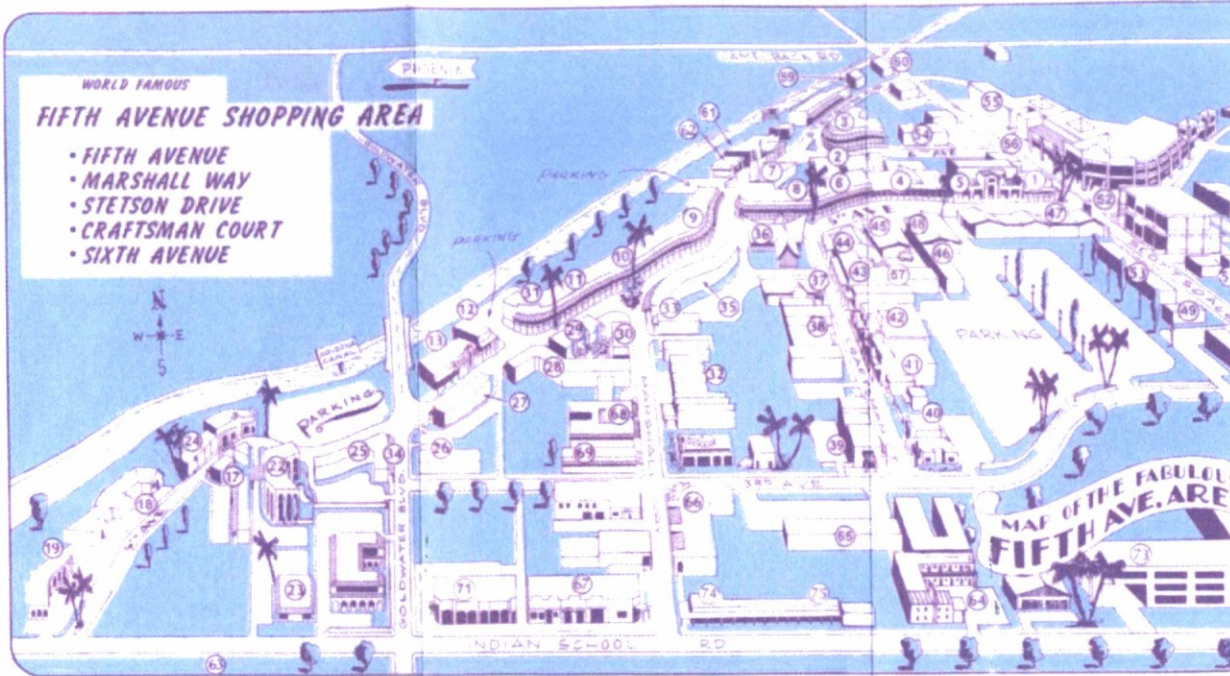


All of the [Walter Productions](#) art automobiles have been created and built on the campus of Ponderosa Lumber on [Historic Thomas Road](#) and 64th Street (they'll be leaving for [Burning Man](#) next week). Why can't they be on the "Motor Mile" and also creating events? Why doesn't Scottsdale Community College, where Marshall Trimble also taught, move some of its programs (I'm on the Advisory Board of the Graphic Design Program) off the SRPMIC and into some of these buildings and partner with ASU? Virginia Korte is Community Liaison at Scottsdale Community College. Why doesn't Barrett-Jackson open a car museum in one of the former dealerships, and partner with Coronado High School and the Scottsdale Unified School District? There's value in keeping the history and geography of the "Motor Mile" alive. I'm currently involved in an adaptive reuse project further west, in the section of McDowell Road known as the "[Miracle Mile](#)," in order to restore and preserve its history. (Arizona's first Governor lived on McDowell Road.) In Downtown Phoenix, there was a section of Central Avenue that was known as "Automobile Row" which included a [Studebaker dealership](#) and a DeSoto dealership (which is now [DeSoto Central Market](#)). The Studebaker dealership was known as The Stewart Motor Company, and most recently housed Circles Discs and Tapes (I worked next door in the late 80s and bought stuff there), which also had a location in Scottsdale Fashion Square. [That building and history are being destroyed by a Scottsdale developer in order to put up more residential units.](#) This article states that Jordan Rose is the lawyer "hired during the demolition controversy to represent the project," and that her husband, Jason Rose, is "a project spokesman who also runs a separate public relations and crisis communications firm." As you recall, Jason wanted taxpayers to pay for the construction of a "High Line Trail" (New York's [High Line](#) is adaptive reuse) down Scottsdale's "Motor Mile."

Jason was also hired by the City-funded (and State-funded?) Scottsdale Gallery Association ("Keeping Scottsdale special involves working with Governor Ducey to provide tax relief for Scottsdale art galleries." - Mayor Lane) to secure \$150,000 for a Capital Improvement Project Archway (documented as such) at the entrance of Marshall Way on Indian School Road, a project which includes tearing down an existing entryway

monument from when it was known as the "World Famous Fifth Avenue Shopping Area." There are eight matching entryway monuments in that district.

## FIFTH AVENUE SHOPPING AREA



### ....INVITING YOU TO BROWSE & SHOP

Each time the City tears something down, or allows property owners and developers to tear down, Scottsdale loses more of its history and unique character, and becomes more soulless and sterile. This is what the Historic 5th Avenue Entryway Monuments looked like in the Mid-Century, when some called Scottsdale "The Gas Lamp Capitol of the World."





What if Scottsdale had historians, preservationists and visionaries like San Diego, and we still had a [Gas Lamp District](#)?

In case you've forgotten, I met with you and the Mayor on Aug. 27, 2014, to talk about the Marshall Way CIP and the decline of the 5th Avenue District, after getting nowhere with City Council and Staff. Here's that email thread.

You connected me to Derek Earle at the Mayor's recommendation, which only continued (and continues) my run-around with the Mayor, City Council and Staff. This was on the heels of this email to the 5th Avenue Merchants, suggesting that the 5th Avenue District return to its historic, vintage, and iconic roots.

(Please let me know if you would like for me to send you any of the attachments in any of my email messages.) Also, there's this email thread, which I originally sent to the Mayor and City Council in 2012, entitled "We have a problem," and which I forwarded to Brent Stockwell earlier this year.

Ultimately, the modus operandi of the Mayor and City Council seems to be to tear down historic, vintage, and iconic, and replace with soulless and sterile just so someone can make a buck. It appears that the Mayor and City Council are able to create "policy," with no input or accountability to the Citizens, which Staff has to execute and implement. The Marshall Way CIP and the deterioration of the historic 5th Avenue District are just a couple of examples of the flawed system, and why the system has to change. People will continue to lose interest in Downtown Scottsdale because there won't be anything historic, vintage, or iconic left, and people are not looking for more SouthBridge, "Waterfront," or Scottsdale Fashion Square. They might as well just go to Talking Stick.

The reason that I send information to Brent is that he's been continuity in the [City Manager's Office](#), and I've been documenting the historical information that I've been researching and compiling. I would like the Mayor and City Council to be aware of the information, but I don't think that they care. Let alone about South Scottsdale or that we

information, but I don't think that they care, let alone about South Scottsdale or that we saw each other at the grocery store. They live up in North Scottsdale, and it's a different way of life, generally more focused on luxury and leisure. I don't think that they understand the value of Social Capital because they don't live with it, but it's what I'm trying to preserve and create in South or Original Scottsdale. Here's an excerpt from my [biography](#): "Dan Semenchuk was born in Augsburg, Germany, and raised in the blue-collar factory town of Passaic, New Jersey. He lived in a three-generational household, which included his two brothers, his parents, and his grandparents, who immigrated from Belarus. Russian families and their communities were usually very tight, and Dan's family was no exception. A trip to the grocery store was a social event. Dan's grandparents never owned a vehicle, and either walked or took public transportation."

It's why socializing at the grocery store or working out of a coffee shop is valuable to me, more valuable than Financial Capital and the financial value of my house. The true value of our house is its Social Capital (like the [Titus House](#) on Scottsdale and McDowell Roads), in that [C.B. Reddell's](#) daughter used to call it "home."

Thanks,  
Dan

P.S. Brent Stockwell stepped in to help us preserve and showcase the art of former Coronado High School art teacher, [Joe Gatti](#). Our sons' Coronado High School art teacher, [Chad Knapp](#), just moved over to Central High School. I'm familiar with the Flagg Family Art Collection, which I saw in one of the buildings torn down to build more residential units, across the street from City Hall and next to Tom Frenkel's building. I think the entire collection should have been housed in the Museum of the West as the City's way of demonstrating that it supports [local artists](#).





On Aug 4, 2016, at 4:16 PM, "Smetana, Rachel" <[RSmetana@scottsdaleaz.gov](mailto:RSmetana@scottsdaleaz.gov)> wrote:

Oh Dan – please don't impugn the reputation of the Scottsdale Historical Society with your conspiracy theories. The reason I am president is because I was on already on the board and no one else wanted to step up and do it. No one. Not even me the first two times they asked. I am sorry I didn't chain myself to an abandoned Buick dealership and save it from redevelopment in order to get credibility for that position in your eyes, but I love the mission and ultimately glad took on the challenge.

That said, we (the SHS) have just acquired a new collection from Herb Drinkwater's family and rescued what was not sold off from the Flagg Family art collection. I hope you will stop by when the museum opens in September for the FIRST new exhibits in the 25 year history of that museum. Labor of love, Brother. Let me know if you want to lend a hand this summer as our all-volunteer organization scrubs, paints and does our best to save Scottsdale history.

T. L. -----

Take care,  
Rachel

P.S. I am not sure why on earth you think anyone on Council, the City Manager or Brent cares that we saw each other in the grocery store.

P.S.S. I LOVE south Scottsdale! I'm so proud to be a resident and am delighted by the value of the investment in my home.

P.S.S.S. I am not sure why you always feel the need to point out who knows who knows you all the time. That must get tedious....we all know tons of people.

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**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]

**Sent:** Thursday, August 04, 2016 1:15 PM

**To:** Stockwell, Brent

**Cc:** Biesemeyer, Brian K; Phillips, Guy; Korte, Virginia; Klapp, Suzanne; Milhaven, Linda; Littlefield, Kathy; Lane, Jim; Smith, David N; Corsette, Kelly

**Subject:** Re: The Mayor and City Council and the Decline of Downtown and South Scottsdale

Brent,

Just to add on to my last message and opinions, this past Sunday, Pam and I saw the Mayor's Chief of Staff, Rachel Smetana, and her husband, Tim, at our neighborhood Fry's grocery store on McDowell Rd, just east of the Indian Bend Wash. At one point, Pam and I lived just south of McDowell Road off of 68th Street (and also just south of McDowell Road on 27th Street). Tim Smetana works at Scottsdale Training and Rehabilitation Services (STARS), and Pam and I used to go to church at First Baptist Church of Scottsdale (FBCS) with [STARS founder, Mary King](#), who currently serves on their [Board](#). I first became aware of STARS in 2008, after meeting [a photographer](#) at one of my Creative Connect gatherings at Paul Markow's studio on McDowell Rd. and 22nd Street. He was running a program at STARS, and invited me to one of their shows at Soca Gallery on Scottsdale and Indian School Roads. The following year, I facilitated a STARS show in FBCS's art gallery, and it's where I first met Virginia Korte, who was President of STARS at the time. STARS is about a half mile from FBCS.

Pam and I were invited to Virginia's house the evening of the election primaries four years ago, and Linda Milhaven, Michele Reagan, and Rick Kidder were there, among others. Rick was President of the Scottsdale Chamber of Commerce at the time, a position that Virginia once held. In my research, I found out that the Scottsdale Chamber of Commerce started running the town before it was incorporated in 1951, and were the one's to contrive "The West's Most Western Town" advertising campaign in order to make money off of tourists, which makes sense why the current President of the Chamber of Commerce is a former Adman. Virginia was working with Rod Pritchett (ROLO) as political consultant, and this is Rod pictured with Rachel Smetana, Linda Milhaven, and Scottsdale Gateway Alliance's Dana Close.

The Scottsdale Gateway Alliance works with [Kyle Moyer](#), as does Linda Millhaven. On the Kyle Moyer website there is this post for a [funding-raising reception for Michele Reagan, Suzanne Klapp, and Eric Luoma](#) at Tom Frenkel's "Clayton on the Park." Eric Luoma invited me to one of his events at the Waterfront, and it's where I met

the Gullies. According to this Facebook post by Phoenix City Councilman Eric Worthington, he

the Guincks. According to this Facebook post by Phoenix City Councilman Jim Waring, he was recently at Kyle Moyer's house with Mayor Lane, Dan Schweiker, and Suzanne Klapp. Suzanne moved to Scottsdale in 1998, is an advisor to the Scottsdale Gateway Alliance and is active with the Chamber of Commerce, among other organizations.

The same evening that we were at Virginia's house four years ago, we were also invited to the Mayor's house, and Suzanne Klapp, Jason Rose, and Les Corieri were there, among others. Please check out these videos posted by the Mayor's ally, Bill Crawford, in which he and former City Councilwoman Lisa Borowsky suggest that the Mayor's practices are autocratic.

<https://www.youtube.com/watch?v=o9XiAlruJ20>

[https://www.youtube.com/watch?v=GAEB\\_XQaxfw](https://www.youtube.com/watch?v=GAEB_XQaxfw)

In my research and experience, it does seem like the Mayor and City Council hand-pick City Board and Commission members as part of their oligarchic (and to some, autocratic) form of government. It also seems like Fred Unger is one of those who is hand-picked and favored, and it looks like the Mayor and City Council's objective is to allow the historic, vintage and iconic 5th Avenue to run down, and allow Fred to raze it, only to put up more soulless and sterile structures, like Southbridge and the Waterfront, which will continue to give tourists and locals even more reasons to go to surrounding municipalities. Please take the time to read through this email thread.

I've been told that Fred Unger and Tom Frenkel spend more time at City Hall than most, and it appears that their agendas are similar. It also seems to be the history of Scottsdale's government and management, which is to sell off the City, take the money and run. That's the story of the Galleria, the site of the vintage and iconic Kachina Theatre. (Scroll to the bottom, and you'll see a picture of 5th Avenue when it was known as the "Gaslamp District") The reason that there are jobs in the Galleria now, is because it was a failed shopping mall (built under Mayor Drinkwater's charge, and to the benefit of the same developer who is building the dolphin tanks) that sat vacant for years. I met the Galleria's current owner, Shawn Yari, at a campaign event at the W Hotel for Virginia four years ago. Let's not forget that he took the Mayor's ally, Bill Crawford to court, and that the Galleria never fulfilled its public art obligation, because of Scottsdale City/Cultural Council. Shawn will be tearing down the historic, vintage and iconic Nuss Building (see Scottsdale in the article), which is what Tom Frenkel did further down Scottsdale Road with the historic, vintage and iconic Plaza 777, built in the 50s, where my family used to eat and shop. Tom tore it down in order to up cheap, institutional apartments, which I was told he already sold off, but not before making sure his name got put up in big letters on the front.

In what now appears to be modus operandi, the Mayor and City Council are turning South Scottsdale into a nondescript municipality, by allowing property owners and developers to raze historic, vintage, and iconic buildings and complexes, and replace them with cheap, soulless and sterile structures, just to make a buck. At one point, Tom also owned the LDS church, also featured in the endangered buildings story and within walking distance of this complex, which he was letting run down so that he could raze it.

It saddens me that the Mayor doesn't seem to care that this is happening in his old neighborhood, now that he's moved up to North Scottsdale. It appears that his Chief of

Staff was hand picked to be the President of the Scottsdale Historical Society, and that she has no regard for preservation either.

It looks like Tom is planning on doing more of the same further down Scottsdale Road with this vintage complex where our insurance agent's office used to be located, 1919 E. Scottsdale Rd., which Tom has leased to a tattoo parlor. Our agent bought a vintage building on 46th St. and Thomas Rd., and has Venue Builders as tenants, who are building The Douglas (I served with John Douglas on the Urban Form Committee, as part of Mayor Terry Goddard's Phoenix Futures Forum, and with Jon Kitchell and Lorenzo Perez on the Entrepreneurial Expert Committee, as part of the Discovery Triangle), and The Douglas is located across the street from the Hotel Valley Ho, whose former General Manager, Andrew Chippindall, lives in Phoenix. You can see that the Mayor has one of his campaign sign's right next to Tom's sign.

The Mayor also has one of his signs in front of Tom's 2501 N. Hayden Rd. building, about 2,500 feet from our house. A historic, vintage, and iconic farmhouse was razed across the street (the well is sitting next to the sidewalk), and it's now a dirt lot (like where the Safari Drive Hotel used to stand). More cheap, institutional apartments are going up just to the north, and the Smetanas live just behind this building of Tom's.

Last year, I went to a meeting at the Granite Reef Senior Center on McDowell Rd. (there used to be a Smitty's there where we would shop, and earlier, an airpark across the street), and I listened to Councilwoman Kathy Littlefield (who lives close to WestWorld and Scottsdale Airpark), and she encouraged the Citizens to vote for the Bond Proposal, even though she and her husband had previously voted against it. Rachel Smetana, Linda Milhaven, Dana Close, and Rod Pritchett were also at that meeting, and where the previous picture of them was taken. Please take the time to re-read this email thread.

The Fry's where we saw the Smetanas is 450 feet directly south of where Dana Close lives. She too is a member of the Scottsdale Chamber of Commerce and the coordinator of "Allies of Korte" (see "Why I'm Supporting Virginia").

The Fry's store is less than a mile away from the property that Virginia sold to Tom Frenkel, which is across from SkySong, another collection of institutional buildings with funky façades and a "signature installation" that makes it look like Denver's airport, and subsidized by South Scottsdale Citizens. It appears that the only reason that the Scottsdale Gateway Alliance exists is to benefit City Council and their connections. It's having a devastating impact on South Scottsdale, and on our history, culture and character. People are opting for Phoenix, which has cohesive leadership who recognize the value of soulful and substantive (I worked in the Welnick Arcade Market building for four years when it was Dave Reiff Printing). Former Phoenix Mayor Terry Goddard is the one restoring the First Baptist Church of Phoenix where Chaplain Winfield Scott preached. Conversely, our Mayor and City Council are allowing Downtown/South Scottsdale to become soulless and sterile, and having one person "represent" us won't change a thing.

It's for these reasons that Original Scottsdale needs to be removed from North Scottsdale's

rule. The Mayor and City Council, and their special interests and dark money organizations, are destroying us, and the damage that they're causing is irreparable. The City of Scottsdale is quickly become a laughingstock locally, nationally, and internationally. Please check out this story. <http://www.fox10phoenix.com/news/arizona-news/99480382-story>

Jeff Berghoff's brother, Steve, used to work in Tom Frenkel's office. This story states that "Scottsdale's first pop-up gallery opens," and that it's the "Newest feature of Downtown Phoenix," and that it's located on "7000 McDonald."

You can see how the mess that the Mayor and City Council have been making in Downtown Scottsdale is now spreading throughout South Scottsdale. As you'll recall, Scottsdale's first pop-up galleries opened in early 2010, through the efforts of Bentley Calverley (who moved to Downtown Phoenix), and were located in Dewey's vacant spaces on Marshall Way, where the Mayor and City Council are spending \$150,000+ "to attract tourists."

It's been said that "The definition of insanity is doing the same thing over and over and expecting different results."

Thanks for taking the time to read through this, and please let me know if you'd like to walk the streets with me.

Thanks,  
Dan

On Jul 28, 2016, at 1:18 PM, Dan Semenchuk <[dan@creativeconnect.org](mailto:dan@creativeconnect.org)> wrote:

Brent,

The message at the bottom was forwarded to me, so I thought I would provide some background information, and offer a different opinion as a South Scottsdale Citizen (South Scottsdale is the Southern Scottsdale Character Area, and any thing north is North Scottsdale) and as a Downtown Advocate and Unofficial Spokesman.

Since 1981 and up until 2012, I spent most of my time in Downtown Phoenix, in community and as a community builder, and in business development. Like most locals, since I'm not a tourist and don't party, I didn't spend any time in "Old Town." In early 2012, after becoming aware first-hand of the challenges and opportunities in Downtown Scottsdale, a mile from our house, I shifted my focus to building community and creating social capital in the South Scottsdale, where I've been a Citizen for over 30 years. I bring the experience of living in other cities locally, nationally, and internationally, and also the experience of having seen more of America and the World than most.

In my opinion, Scottsdale is not the "Best City in America" as the Mayor spins, or even the best city in the Salt River Valley. Creative Connect primarily serves in Phoenix, Tempe, and Scottsdale, and I see Phoenix and Tempe as "better cities" because of leadership and

and Scottsdale, and I see Phoenix and Tempe as better cities because of leadership and visionaries like Greg Stanton and Neil Giuliano, and because of their vibrant creative communities. Scottsdale's government does not include leadership or visionaries, and has killed its creative community because of an elderly, out-of-touch and dysfunctional City Council with egos and agendas, a Council that creates policy with no regard for or input from the South Scottsdale Citizens, the heart and soul of the City, and it's costing us dearly. It's a far cry from what Chaplain Winfield Scott intended.

As background, I started officing out of Sola Coffee Bar on 5th Avenue in 2009, which was Old Town Bible Church's coffee shop and community gathering spot, and also where their congregation would meet on Sundays. Our neighbors were part of Old Town Bible Church when it was Mosaic Bible Church (a Scottsdale Bible Church plant), originally meeting on Hayden and McDowell Roads, then Hohokam Elementary School in our neighborhood. (Pam and I became part of the First Baptist Church of Scottsdale congregation in 2006, a congregation that was initially formed by Chaplain Winfield Scott in 1910, and they have a coffee shop called Winfield's.) I was able to provide input and support when Sola Coffee Bar transitioned to Cartel Coffee Lab. I also pitched this story about Old Town Bible Church moving over to Cactus Crossfit, after Kevin Cherrick moved his business from the Scottsdale Airpark to Downtown Scottsdale. Kevin had Fred Unger as his landlord (who is also Cartel Coffee Lab's landlord). I've known Cartel's Founder, Jason Silberschlag, since 2009, and he's a former youth pastor from Tucson who has built community through coffee shops. Several years ago, I randomly met his former youth pastor at Cartel on 5th Ave., who is now the pastor of Pinnacle Church on Hayden and Oak, within walking distance of our house. Since October of last year, Pam and I have been part of Redemption Scottsdale (the 15th congregation that I've been part of), and we use the chapel of Scottsdale Presbyterian at Hayden and Osborn, within walking distance of our house. Kevin Cherrick and his family have been part of our congregation.

I randomly met a young couple (now the owners of Sip Coffee & Beer House) at Cartel on 5th Ave. in April 2012, and they confided in me that they were interested in opening up a coffee shop in South Downtown Scottsdale, but didn't want Cartel to know because they thought they would be competing. I took the opportunity to connect them to Jason Silberschlag, and he even helped them build out their space, and is helping them build out Sip Coffee & Beer Garage on Indian School Rd. and 36th Street. Cartel also provides Sip with coffee and beer. I also connected the Sip owners to the owner of Echo Coffee, in that I used to office out of there before Sola Coffee Bar. My friend Austin Baker's Ignite Phoenix video inspired Echo Coffee's owner to open a coffee shop. (Ignite Phoenix takes place at the Scottsdale Center for the Performing Arts and I was on the Advisory Board of the Phoenix Innovation Foundation.) I also connected Austin (whose family has a coffee shop in Globe and who has been friends with Jason Silberschlag longer than I have) to the folks responsible for building out Winfield's coffee shop. I also connected the Sip owners to Dave Andrea who owns Brat Haus, who provided the food for Sip Coffee & Beer House when they first opened, and I also connected one of the owners of Cartel to Dave.

On a side note, I've walked home from Sip Coffee & Beer House and have walked to City Hall from my house.

In early 2012, Michelle Pelberg-Biely reached out to me through Creative Connect for

some feedback on an idea that she had for a co-working space for artists. At the time, she was looking to lease space in the area of McDowell and Scottsdale Roads (she's also a photographer and coincidentally has a client at Hayden and Thomas, within walking distance of our house), and I had her meet me at Cartel on 5th Ave. so that I could show her the area where the Valley's original creative community, the Arizona Craftsmen (which included a photographer), were located, and to let her know of the history of the area and the potential for creative people in Downtown Scottsdale. I told her that if she would locate her creative center in Downtown Scottsdale, I could help support and promote it, and that we could call it "The Creative Center of Scottsdale." Her family bought the complex of buildings that includes Brat Haus, The Creative Center of Scottsdale, Goldwater Brewing Company, and Sip Coffee & Beer House, and she is the landlady for those businesses. Also, the owner of Brat Haus and the graphic designer son (I served on the Advisory Committee at the school that he went to) of the owner of Goldwater Brewing Company have offices in The Creative Center of Scottsdale. I first met the owner of Goldwater's older son when he worked at Cartel in Downtown Tempe (where I've spent a fair amount of time). Goldwater Brewing Company leases the former shooting range basement of The Creative Center of Scottsdale, as well as the second-story deck that was added to the vintage and iconic 1960's building.

In March of 2014, the Mayor's former Chief of Staff, J.P. Twist, reached out to me, and we met at Sip Coffee & Beer House. I had originally met J.P. in 2011 at the Great American Duck Race, which took place in the canal north of Southbridge. The organizer of the event had reached out to me when she was scrambling for a VIP venue for the Mayor, and I connected her to Napoleon Smith III (who I knew through the creative community), who at the time had the "Napoleon Club" below Fred Unger's office, and he agreed to host. When I met with J.P. at Sip, he said that the Mayor wanted to connect with the Pelberg family to ask if they would consider being part of his Downtown Enhancement Task Force. (Blen Shipp, grandson of grocery store owner Earl Shipp [where Frank Lloyd Wright used to shop] was part of the Mayor's group, and Shipp Investments owns the complex where Walgreen's, Staples, and Starbucks are located across the street from Sip Coffee & Beer House. Blen's father is a member of First Baptist Church of Scottsdale, and their family also owns the buildings on Indian School Rd. east of Goldwater Blvd. to Marshall Way, where Kevin Cherrick moved Cactus Crossfit.) When I checked with the Pelberg family, there was no interest in being part of the Mayor's group.

It's my understanding that the Mayor's political ally, Bill Crawford, had Fred Unger as landlord, which seems to be why he is supporting the Mayor, which is to support Fred who curiously was inducted into the Scottsdale Chamber of Commerce's "Scottsdale History Hall of Fame" even though he lives in Paradise Valley along with a number of the Mayor's other connections, like Rachel Sacco and Craig Jackson. Whereas Bill Crawford lives in Scottsdale, I can't say that I ever see him anywhere in Downtown Scottsdale, other than for political purposes. It appears that Scottsdale's political organizations include the Association to Preserve Downtown Scottsdale's Quality of Life, Scottsdale Downtown Entertainment District Association, Scottsdale Chamber of Commerce, Scottsdale Convention and Visitors Bureau, Scottsdale Cultural Council/Scottsdale Public Art/Scottsdale Gallery Association, Scottsdale Leadership, and Scottsdale Gateway Alliance. On a side note, I had contacted Fred Unger in 2012, seeking permission to have artist JB Snyder do a mural on the alley wall of Fred's building that wraps around onto Marshall Way. and he turn me down. He's on the Board of Scottsdale Public Art and they

had JB do a mural inside Scottsdale Quarter in North Scottsdale, the same thing they did with the artist that I had yarn bomb Marshall Way (at no cost to the Citizens).

I was actually the one who introduced the Mayor to Sip Coffee & Beer House in February last year, and the only time that he seems to show an interest in Downtown Scottsdale is for political purposes. If he were spending any time on the streets and with locals on a regular basis, he would know that Downtown Scottsdale is struggling while other Valley municipalities are excelling. As just one example, the Town of Gilbert has a population greater than Scottsdale's, yet is 2.5 times smaller, and has the highest household median income in America. Last year, after struggling on the deteriorating 5th Avenue (the heart of the Valley's original creative community), Petersen's Ice Cream moved to Downtown Gilbert where they were welcomed and supported, and where their business is thriving. They were even asked to put up their vintage neon sign from Chicago. Fred Unger's leasing agent, in turn, opened up a bar in Petersen's old space. Unfortunately, most Citizens don't really know how bad things are in Downtown Scottsdale because of the Mayor's spin doctors. To be fair, I also never see the Mayor's opponent or his wife in Downtown Scottsdale, in that they all live up in North Scottsdale and seem to only come to Downtown Scottsdale for part-time jobs, and for political purposes and agendas. They don't live in with us, and where they live is a completely different geography, culture, and character. The situation with City Staff isn't much better, with employees coming to Downtown Scottsdale from all over the Valley to perform jobs that can be, and have been done, in other municipalities, like where Danielle Casey came from, the City of Maricopa where "The Old West Meets the New West" just like Downtown Scottsdale. This has led to a high degree of transiency, lack of loyalty and commitment to our communities and neighborhoods, and it's coming at a high cost to South Scottsdale Citizens, financially and culturally.

People are flocking to surrounding municipalities because Downtown Scottsdale is quickly become soulless and sterile because of City Council selling it off to outsiders and special interests. From what I've seen and experienced, there's been little regard for preserving true history (Chaplain Winfield Scott and the Arizona Craftsmen) or authentic culture and character (historic, vintage, and iconic), which makes the Mayor and City Council's rhetoric delusional and misleading, which seems to be part of Scottsdale's municipal history since incorporating in 1951.

If you might be interested in holding our current City Council accountable as a representative of the City Manager's Office and on behalf of the South Scottsdale Citizens, I would ask that you let me give you a first-hand look at the situation, and let me walk you around Downtown Scottsdale. I also want to walk you around the Thomas Road Bridge area in my neighborhood, and show you the soulless and sterile apartments aka "Equinox" that just went up north of the bridge, overshadowing the Historic and Mid-Century Holy Cross Lutheran Church in front of it. Also, if you're willing to take the time, I'd like to show you the mess that City Council and their Scottsdale Gateway Alliance are making on McDowell Road, and it's happening within walking distance of the Desert Botanical Garden which attracts people from around the world, and it's close to some of the finest desert hiking trails and vistas in the Valley, and where Chaplain Winfield Scott used to hang out. I'd also like to show you how their mess is creeping up Scottsdale Road to Downtown Scottsdale and into South Scottsdale neighborhoods.

It's led me to conclude that the only hope for us in South Scottsdale is to be removed from under City Council's form of oligarchic and absenteeism government, and from under the thumb of North Scottsdale and Paradise Valley. As Citizens, we're being taxed but not represented, and a democratic form of government needs to be established in Original Scottsdale. Paradise Valley has a Mayor and six City Council Members living in 15 square miles and representing their 13,000 Citizens. We need a Mayor and six City Council Members living in the 14 square miles of the Southern Scottsdale Character Area where City Hall and Offices are located to represent 75,000 of us and our community's needs. In the meantime, I'm just trying to do all I can to slow the oppression, and the destruction of our history, culture, and character in South Scottsdale.

Thanks for taking the time to read through this, and let me know if you'd like to get together and do some walking.

Dan

P.S. On Saturday, when the Mayor was having this political event at Sip Coffee & Beer House, Pam and I were helping her niece move from her apartment (which was about three miles east of the Mayor's house in North Scottsdale) to a house in Tempe. In case you weren't aware, the median age of Tempe's Mayor and City Council is 45 versus 65 for Scottsdale, and it looks like an old Paradise Valley City Council Member is being imported to serve on Scottsdale's City Council, in part to continue to promote tourism, which seems to mean tapping South Scottsdale Citizens for a redundant Desert Botanical Garden/Center in North Scottsdale, and to Experience Scottsdale's local charm and authentic character in Scottsdale Fashion Square and the Entertainment District and in tanks with dolphins.

## **Barton, Wayland**

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**From:** Dan Semenchuk <dan@creativeconnect.org>  
**Sent:** Wednesday, July 05, 2017 9:45 AM  
**To:** Stockwell, Brent  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; John Nelson; Kevin Vaughan-Brubaker; Herb Shipp; C.B. Shipp; Vickie Petley  
**Subject:** Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"  
**Attachments:** Marshall Way Monument.pdf; Marshall Way Enhancement Project Citizen Petition.pdf; The Mayor and City Council and the Decline of Downtown Scottsdale.pdf; Mail Attachment.eml

Brent,

Before you read any further, please take a minute to read the attached copy of an email message that I had sent to City Council and Staff on Oct. 4, 2013, entitled "Marshall Way Monument."

It contains some additional information supporting my claim, and you were not copied on it.

It should be noted that the City-funded Scottsdale Gallery Association, the organization that oversees the art galleries and the "ArtWalk" event, who hired the Mayor's Political Consultant Jason Rose to lobby for this Marshall Way Entry Feature, now only lists a total number of 30 members on its website, and not all of them are actually art galleries, such as the City's Museum of the West and SGA President French Thompson's jewelry store on Main Street. I suspect that number of art galleries and public art will continue to decline as the world continues to change, in that all of us have access to the world's art on our smart phones, computers, and monitors.

It should also be noted that the owners of Sip Coffee & Beer House, also mentioned in my message, now also own Sip Coffee & Beer Garage in Arcadia, and are planning to open Sip Coffee & Beer Kitchen in the vicinity of where the Mayor and City Council Members live, Shea and Scottsdale, and that they live in Downtown Scottsdale, less than a mile from City Hall, and were part of Downtown Scottsdale Voices. They feature the work of local artists, both visual and musical.

I understand that the City doesn't think that there is a basis for my claim, and therein lies the issue. The City of Scottsdale and I disagree, and as a Citizen, I am seeking resolve in my dispute. There is probably no precedent for a municipality like Scottsdale to appropriate and corrupt a Citizen's intellectual property through a public art project, and that is why I am seeking mediation for my Bob Petley Jackalope project idea appropriation. By the way, I found out last week that Councilwoman Kathy Littlefield used to work for Bob Petley. I also spent some time last week at Sip Coffee & Beer House with Bob's daughter, who works in Downtown Scottsdale and lives in South Scottsdale. She has stated that the proposed Marshall Way Entry Feature is a "disgrace," and I am copying her on this message, so she can personally let all of you know how she feels about all of this.

The uniqueness of this situation is that the City is using public domain land that the City is supposed to be stewarding on behalf of Citizens, for this Capital Improvement/Public Art project that we, the Citizens, clearly don't want and are paying for, and that the City is spending Citizen and tax-payer dollars on this project that seems to be benefitting Downtown Scottsdale property owners, who apparently were able to get the City to change the installation from a rabbit into a "Jackalope" simply by the addition of "antler buds," which I see as

the equivalent of my being able to change anyone of the City's numerous public art horses into "Unicorns" simply by adding "horn buds." The City uses the property owner's address in its Project Narrative, and it happens to be a property owner who I shared my Jackalope idea with, who was part of the Mayor's Downtown Task Force, and also included in my claim.

The Mayor's Chief of Staff, Rachel Smetana, is also included in my claim, in that I also shared my idea with her, and I have documented her statement of support for my Jackalope project. In addition to meeting with Rachel on Aug. 1, 2014, I also met with her and the Mayor on Aug. 27, 2014, and asked the Mayor to spend the \$150,000 on deteriorating infrastructure in Downtown Scottsdale, rather than on an unnecessary Marshall Way Entry Feature. The Mayor suggested that I meet with the City's Derek Earle, and Rachel made that connection in an email dated Sept. 16, 2014, entitled "FW: Marshall Way Enhancement Project Citizen Petition."

If you read through the thread, you'll note that former City Manager Fritz Behring was included and that City Auditor Sharron Walker states; "A City public art project is considered to be a Capital Improvement Project. While Scottsdale Public Art handles the artist/art selection, City staff still manages and pays for the project." The way that I interpret Sharron's statement is that the City Manager's Office is managing the Marshall Way Entry Feature project. On that basis, would you please provide an estimate of time/cost that the City (Mayor's Office, City Council and Staff) have spent on this project from when the budget was approved in 2013? These costs don't appear to be coming out of the \$150,000 that City Council allocated for this project. Would you also get an estimate of time/cost from Scottsdale Public Art/Artist Selection Committee? We know, at the least, that the previous artists selected for this project were paid \$15,000, and that the current artist has revised his design/s.

It was Derek Earle, who wrote, in an email message dated Jun. 13, 2013 and entitled "RE: CM/ED Group Meeting Today"; "The emails are correct that the Marshall Way entry feature was proposed by Councilwoman Milhaven and approved by Council as part of the CIP. Council also specified that the project was to be paid out of Bed Tax funds -in this case it would be the carryover funds. The new CIP is entitled "Marshall Way Entry Feature" and will be effective on July 1st. My original intent was to treat this as a public art project and administer it through a CPM project manager. We would sign an MOU with Public Art for their management of the process. You might note that, when I went back to check the Council meeting, this was not specified as an art project, but more as an entry feature. In talking to Linda Milhaven today, she thought that Public Art administration of this might make sense.

By definition, the Giant Pink Humping Rabbit turned "Jackalope" is an art project, in that it can be placed anywhere in Scottsdale, and by definition, not an entry feature. City Council approved \$150,000 bed tax dollars specifically for an entry feature, which is what the Miami FL artists were working on. So, apparently the City can also turn an "entry feature" into an "art project."

It should also be noted that at the Tourism Development Commission Work Study Session presentation on Dec. 16, 2014, while reviewing "tourism projects currently in the CIP," Public Works Director Dan Worth included the Marshall Way Entry Feature along with the Scottsdale Museum of the West, the public art project for WestWorld (you might want to ask artist Jeff Zischke about his experience working with Scottsdale Public Art), the Tony Nelssen Equestrian Center, and the Desert Discovery Center.

So the City has also put this Giant Pink Humping Rabbit turned "Jackalope" into the same category as the Museum of the West, WestWorld, and the Desert Discovery Center. Also, my wife and I stayed at a Scottsdale resort this past weekend, so Citizens as well as tourists are being taxed and paying for this "Marshall Way Entry Feature."

The way that I interpret all of this, is that City Council and Staff are able to use Bed Tax funds to pay for Capital Improvement Projects and/or Public Art, and that City Council and Staff can spend that money, with no accountability or pro forma, on projects like this Marshall Way Entry Feature in the name of "Tourism," which

apparently can be anything, instead of spending the money on deteriorating infrastructure and disappearing history and vintage, which is what's making Downtown Scottsdale less and less attractive to tourists. Simply put, I think the City is killing Downtown Scottsdale by spending money on projects like this. It's also why I don't think it makes fiscal sense for the City to be asking the Citizens for any more Bond Money, in that the City removed an entry feature at this location, paid for in part by Bond Money. I'm just not seeing fiscal stewardship being demonstrated on the part of my City.

Conversely, I've personally been able to demonstrate that I've contributed to the economic vitality of the City at no cost to the Citizens, and apparently why the City of Scottsdale is fighting my efforts, in that the City is its own [fifth largest employer](#). At a recent Scottsdale Community Council meeting, I believe that Councilman Smith stated that only 30% of the City's employees actually live in Scottsdale. Is that correct?

Last year, as City Staff, Rachel Smetana declined to help me with four other public art homage projects that I've been working on, which, like my previous projects, are at no cost to the Citizens. That account can be found in an email thread entitled "RE: The Mayor and City Council and the Decline of Downtown and South Scottsdale," dated Aug. 23, 2016, and Rachel was responding to a message that I had sent you on Aug. 4, 2016. In my response to her, I had written; "Since you responded to my message to Brent Stockwell as the Mayor's Chief of Staff and as President of the Scottsdale Historical Society, I have four history public art projects that you can help with as a practical way of demonstrating your "love for South Scottsdale." It's been hard for me to get stuff done without dealing with the politics."

These four history/homage projects include Paul Messinger, Gerbacio Noriega, the Corral Family, and Chaplain Winfield Scott.

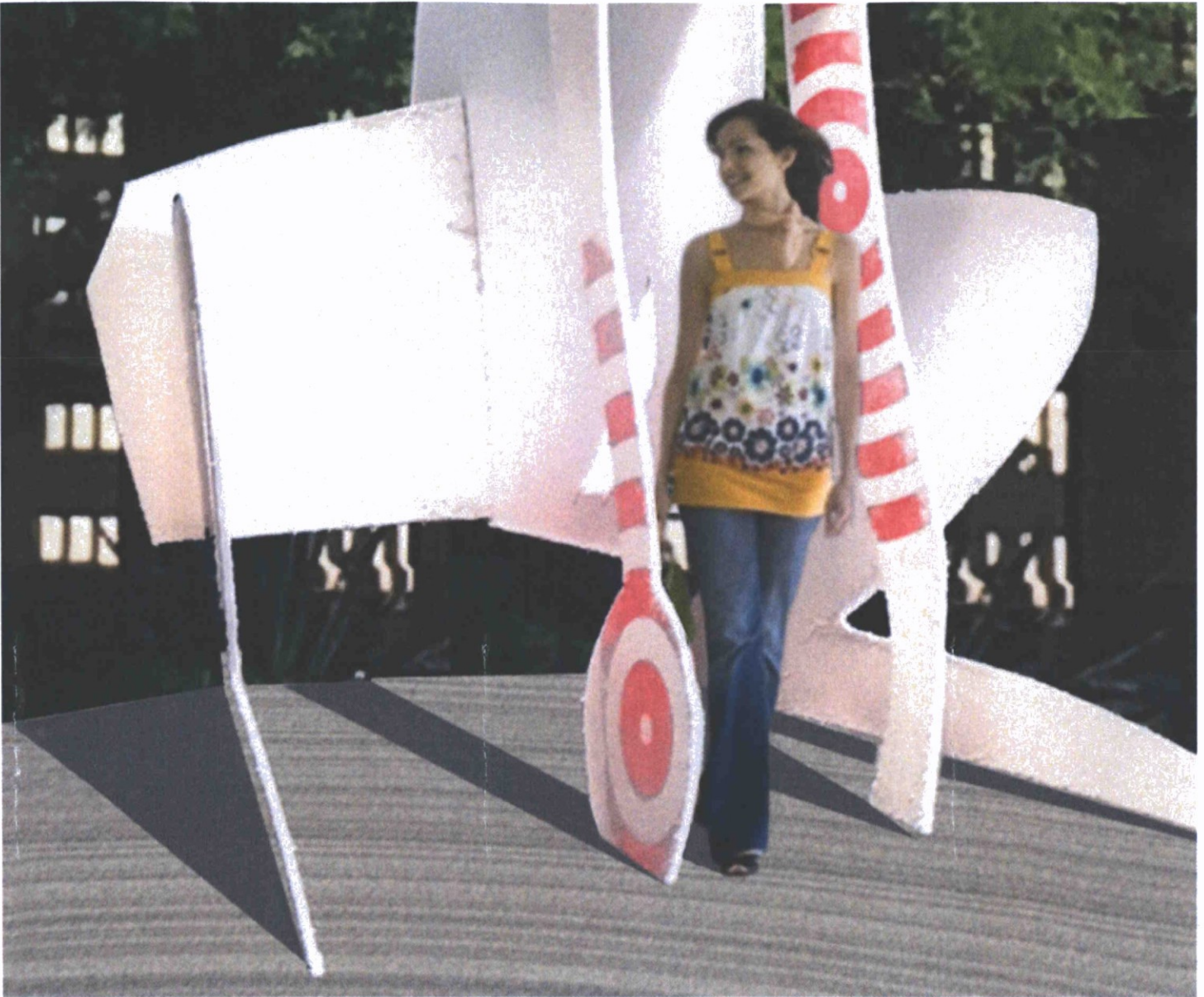
So instead of the City of Scottsdale supporting Citizens like me, interested in creating authentic and relevant art on public land for the public at no cost to the Citizens, the City appears to be fighting my efforts, and facilitating and wasting money on this corrupted version of my Bob Petley Jackalope homage.

Just so I understand your using the term "legal rights" in your response, are you suggesting that the City is recommending litigation for a Citizen claim of this type, rather than sitting down and trying to resolve through mediation?

Thanks,  
Dan

P.S. Per the City's [Organization Chart](#), it appears that the Mayor and City Council oversee the City's Boards, Commissions, and Task Forces, and as documented, the Mayor and City Council make decisions autonomous of those same Boards, Commissions, and Task Forces, which is what it appears they did with this project in securing the \$150,000 bed tax dollars. I am restating my request to City Council and Staff and the Development Review Board to postpone reviewing this case until my dispute with the City can be resolved. This project has been in the works since 2013, and there is no deadline for it. In addition to my Jackalope idea appropriation, I also believe that a Capital Improvement Project Public Art installation of this scale is out of proportion for that corner, hence the inclusion of the City's Transportation Department, in that I believe that this project will create additional hazard to the public. As precedent, the City of Scottsdale put the Bob Parks Horse Fountain in the wrong place, and created a hazard to the public who have to stand in the street and dodge cars in order to take pictures. Here's a video of what that looks like.

<https://www.facebook.com/dan.semenchuk/videos/10214335099557223/> Otherwise, this is what the "crotch shots" of the proposed Marshall Way Entry Feature will look like if people stay on the sidewalk. Some have already suggested that these pictures will include people bending over, and symbolic.



On Jun 30, 2017, at 4:44 PM, Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)> wrote:

Hello Dan,

Thank you for your email. After review of your request, the City does not believe you have any legal rights to the idea of a Jackalope public art project in Scottsdale or in using the word "Jackalope" in connection with any such project.

As noted in Scottsdale Public Art Director Donna Isaac's June 23, 2017 email (attached), Scottsdale Public Art has also found no merit to your allegation.

Sincerely,

Brent Stockwell, Assistant City Manager  
Scottsdale City Hall, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251  
[BStockwell@ScottsdaleAZ.gov](mailto:BStockwell@ScottsdaleAZ.gov) | 480-312-7288

## Barton, Wayland

---

**From:** Donna Isaac <DIsaac@scottsdalearts.org>  
**Sent:** Friday, June 23, 2017 5:08 PM  
**To:** Dan Semenchuk; Kevin Vaughan-Brubaker  
**Cc:** Stockwell, Brent; Meyer, Gary; Worth, Daniel; Walker, Sharron; Phillips, Guy; Klapp, Suzanne; Milhaven, Linda; Korte, Virginia; Lane, Jim; Washburn, Bruce; Littlefield, Kathy; Casey, Danielle; Smith, David N; Churchar, Karen; Basha, Paul; Jagger, Carolyn; Thompson, Jim; C.B. Shipp; John Nelson; canyonrider@mac.com  
**Subject:** RE: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Dan,

Thank you for your email and I appreciate the opportunity to respond. As I understand your email, you claim that Scottsdale Public Art must cease and desist from installing a public art piece that is modeled after the imaginary jackalope because you once considered doing an art piece that was also modeled after the imaginary jackalope? With all due respect, I see no merit to this allegation. You can imagine the problems that would be caused if the law actually limited artists to subject matter that no other artists had ever previously considered.

For example, Scottsdale Public Art proudly displays numerous horse and equestrian themed art pieces in its collection. If Scottsdale Public Art were to adopt your reasoning, it would have had to cease installing any equestrian art if a single artist had ever contemplated producing an equestrian themed art piece in Scottsdale. This is clearly not how the First Amendment works. Applying the law in the manner you request would unreasonably restrict artists' freedom of expression. I am confident that a Court would agree with my interpretation of the freedoms granted by our Constitution. Importantly, you make no legal claim to being the owner of the term "jackalope" and, in fact, you acknowledge that the jackalope was something imagined by someone other than you for the first time. Further, you make no claim that our artist has stolen or copied your design. In the absence of such a legal claim of right or a Court Order adopting your extremely limited view of the First Amendment, Scottsdale Public Art is not inclined to cease and desist from moving forward with this project.

Sincerely,

Donna

Donna Isaac  
Scottsdale Public Art  
Director, Scottsdale Public Art  
Vice President, Scottsdale Arts

T: 480-874-4670  
[donnai@ScottsdaleArts.org](mailto:donnai@ScottsdaleArts.org)



Scottsdale Arts, 7380 East Second Street, Scottsdale, Arizona 85251

## Barton, Wayland

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**From:** Stockwell, Brent  
**Sent:** Friday, June 30, 2017 4:44 PM  
**To:** Dan Semenchuk  
**Cc:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board; John Nelson; Kevin Vaughan-Brubaker; Herb Shipp; C.B. Shipp; disaac@scottsdalearts.org  
**Subject:** RE: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"  
**Attachments:** RE: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

Hello Dan,

Thank you for your email. After review of your request, the City does not believe you have any legal rights to the idea of a Jackalope public art project in Scottsdale or in using the word "Jackalope" in connection with any such project.

As noted in Scottsdale Public Art Director Donna Isaac's June 23, 2017 email (attached), Scottsdale Public Art has also found no merit to your allegation.

Sincerely,  
Brent Stockwell, Assistant City Manager  
Scottsdale City Hall, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251  
[BStockwell@ScottsdaleAZ.gov](mailto:BStockwell@ScottsdaleAZ.gov) | 480-312-7288

**From:** Dan Semenchuk [mailto:dan@creativeconnect.org]  
**Sent:** Tuesday, June 27, 2017 6:08 PM  
**To:** Phillips, Guy <GPhillips@Scottsdaleaz.gov>; Klapp, Suzanne <SKlapp@scottsdaleaz.gov>; Korte, Virginia <VKorte@Scottsdaleaz.gov>; Milhaven, Linda <LMilhaven@scottsdaleaz.gov>; Lane, Jim <JLane@ScottsdaleAZ.Gov>; Littlefield, Kathy <KLittlefield@Scottsdaleaz.gov>; Smith, David N <DnSmith@Scottsdaleaz.gov>; Venker, Steve <JVenker@Scottsdaleaz.gov>; Meyer, Gary <GMeyer@scottsdaleaz.gov>; Walker, Sharron <SWalker@scottsdaleaz.gov>; Washburn, Bruce <bwashburn@scottsdaleaz.gov>; Jagger, Carolyn <cjagger@scottsdaleaz.gov>; Worth, Daniel <DaWorth@scottsdaleaz.gov>; Thompson, Jim <JThompson@Scottsdaleaz.gov>; Stockwell, Brent <BStockwell@scottsdaleaz.gov>; Churchard, Karen <KChurchard@Scottsdaleaz.gov>; Grant, Randy <RGrant@Scottsdaleaz.gov>; Basha, Paul <PBasha@Scottsdaleaz.gov>; Casey, Danielle <DCasey@Scottsdaleaz.gov>; Development Review Board <DevelopmentReviewBoard@Scottsdaleaz.gov>  
**Cc:** John Nelson <whonelson@cox.net>; Kevin Vaughan-Brubaker <KevinV@scottsdalearts.org>; Herb Shipp <canyonrider@mac.com>; C.B. Shipp <blen@mac.com>  
**Subject:** Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"

All,

Please consider this a "cease and desist" request with regard to calling the John Randall Nelson and Scottsdale Arts "Marshall Way Entry Feature" a "Jackalope," or to use the term "Jackalope" in conjunction with any public art project in Scottsdale.

I am an artist and creator, claiming intellectual property rights for a "Jackalope" project in Scottsdale. I have created and facilitated several public art projects in Downtown Scottsdale, both on public and private property and at no cost to the City or its Citizens.

## Barton, Wayland

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**From:** Development Review Board  
**Sent:** Tuesday, June 27, 2017 6:45 PM  
**To:** Development Review Board  
**Subject:** Development Review Board Public Comment (response #23)

## Development Review Board Public Comment (response #23)

### Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Development Review Board Public Comment
URL:	<a href="http://www.scottsdaleaz.gov/boards/development-review-board/public-comment">http://www.scottsdaleaz.gov/boards/development-review-board/public-comment</a>
Submission Time/Date:	6/27/2017 6:44:01 PM

### Survey Response

<b>COMMENT</b>	
Comment:	<p><a href="http://eservices.scottsdaleaz.gov/planning/projects/summary/dr_reports/DR_15_DR_2017.pdf">http://eservices.scottsdaleaz.gov/planning/projects/summary/dr_reports/DR_15_DR_2017.pdf</a> I just sent City Council and Staff and the Development Review Board an email message entitled "Marshall Way Entry Feature 'Cease and Desist' using the term 'Jackalope'" for which I am claiming intellectual property appropriation and corruption. I am asking that you postpone reviewing this case/project until the City responds to and resolves my claim. As a Citizen of Scottsdale, I also protest this project, in that it is using bed tax dollars for a Capital Improvement Project, and the City has already removed an entryway feature, paid for in part by bond money. The City should have used the \$150,000 bed tax dollars appropriated for this needless project towards a pedestrian overpass at that intersection. The City already has a public art installation on the southeast corner of that same intersection.</p>
Comments are limited to 8,000 characters and may be cut and pasted from another source.	
<b>PLEASE PROVIDE YOUR NAME:</b>	
First & Last Name:	Dan Semenchuk
<b>AND ONE OR MORE OF THE FOLLOWING ITEMS:</b>	
Email:	<a href="mailto:dan@creativeconnect.org">dan@creativeconnect.org</a>

Phone:	
Address:	8209 E. Edgemont Ave., Scottsdale 85257
Example: 3939 N. Drinkwater Blvd, Scottsdale 85251	

## Barton, Wayland

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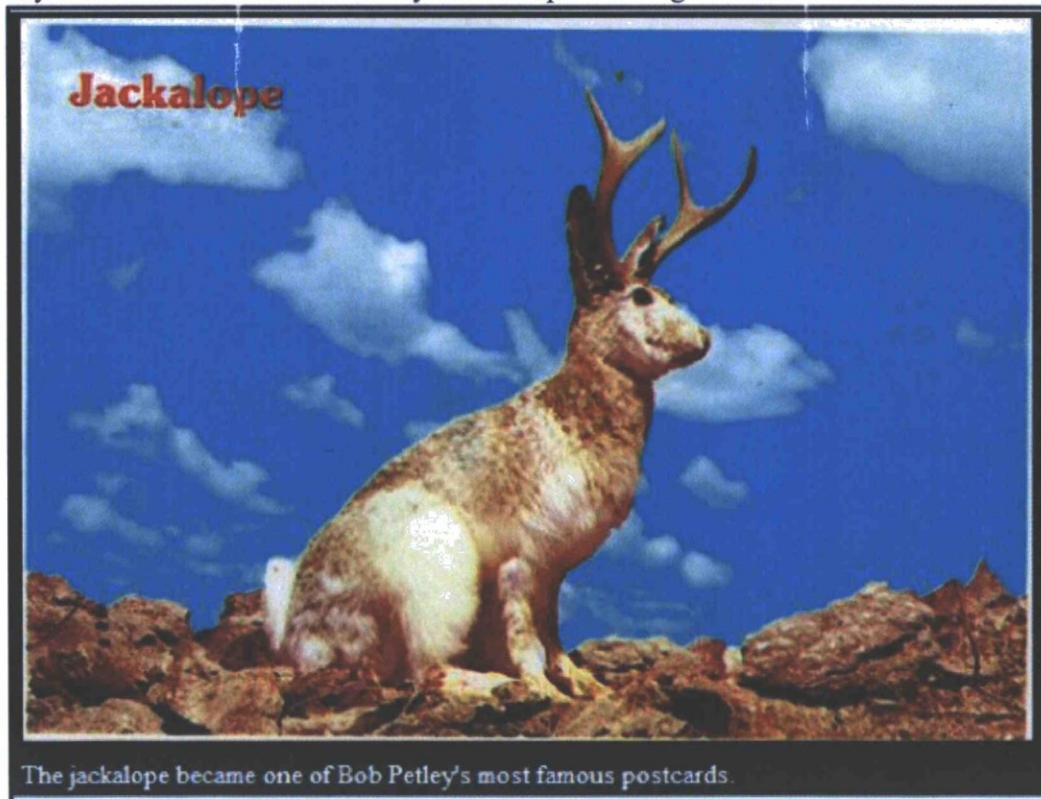
**From:** Dan Semenchuk <dan@creativeconnect.org>  
**Sent:** Tuesday, June 27, 2017 6:08 PM  
**To:** Phillips, Guy; Klapp, Suzanne; Korte, Virginia; Milhaven, Linda; Lane, Jim; Littlefield, Kathy; Smith, David N; Venker, Steve; Meyer, Gary; Walker, Sharron; Washburn, Bruce; Jagger, Carolyn; Worth, Daniel; Thompson, Jim; Stockwell, Brent; Churchard, Karen; Grant, Randy; Basha, Paul; Casey, Danielle; Development Review Board  
**Cc:** John Nelson; Kevin Vaughan-Brubaker; Herb Shipp; C.B. Shipp  
**Subject:** Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"  
**Attachments:** survey 20140128083412584.pdf; Marshall Way Entry Feature Jackalope.pdf

All,

Please consider this a "cease and desist" request with regard to calling the John Randall Nelson and Scottsdale Arts "Marshall Way Entry Feature" a "Jackalope," or to use the term "Jackalope" in conjunction with any public art project in Scottsdale.

I am an artist and creator, claiming intellectual property rights for a "Jackalope" project in Scottsdale. I have created and facilitated several public art projects in Downtown Scottsdale, both on public and private property and at no cost to the City or its Citizens.

My idea is to create a Bob Petley "Jackalope" homage



which I believe would become an attraction for Downtown Scottsdale, and would be a place for people to gather and have pictures taken. Bob Petley is credited as the creator of the "Arizona Jackalope" <http://tucsoncitizen.com/morgue/2006/07/18/19396-obituary-bob-petley-created-arizona-jackalope/> and he photographed his Jackalope at Papago Buttes, which is two miles from Downtown Scottsdale and three miles from my house. Like Bob, I am also a photographer. <http://www.phoenixnewtimes.com/arts/22-dan->

[semenchuk-6583955](#) I have been working on this homage project for him in Downtown Scottsdale since 2014, and have shared my idea with a variety of people. I have the support of Bob's daughter, who works in Downtown Scottsdale and who lives in South Scottsdale like me. She has stated that the proposed and purported "Jackalope" Marshall Way Entry Feature is a "disgrace."

On a side note, I talked with [Paul Messinger](#) earlier, and Paul knew Bob Petley, and he has provided me with additional information for my project. For the record, Paul is a patron and consularie, and I'm awaiting his permission to create an homage/legacy project for him as well (he's pretty humble). I've let Paul know that he reminds me a lot of my father, Paul, who is the same age, and my father is also a writer and was a farm boy. Here is my father's legacy website, which I am still working on. [www.paulcsemenchuk.com](http://www.paulcsemenchuk.com) Also, Paul Messinger was part of "26 Blocks" which I reference in "How Creative Connect Works" in my overview. [http://www.creativeconnect.org/assets/docs/09\\_2015\\_Overview.pdf](http://www.creativeconnect.org/assets/docs/09_2015_Overview.pdf)

I believe that my Bob Petley "Jackalope" homage idea and project is being appropriated and corrupted by the City of Scottsdale, Scottsdale Arts, and artist John Randall Nelson. <http://www.phoenixnewtimes.com/arts/51-john-randall-nelson-6574351>

I am prepared to protect and defend my idea, and as a Citizen, am seeking mediation with and from the City of Scottsdale, where I've been a Citizen since 1984. My request is to the City of Scottsdale, as the steward of public domain land, and includes the Mayor's Office, City Council, City Staff, persons employed by or contracted by the City of Scottsdale, as well as the City's Development Review Board, who I am also including in this message.

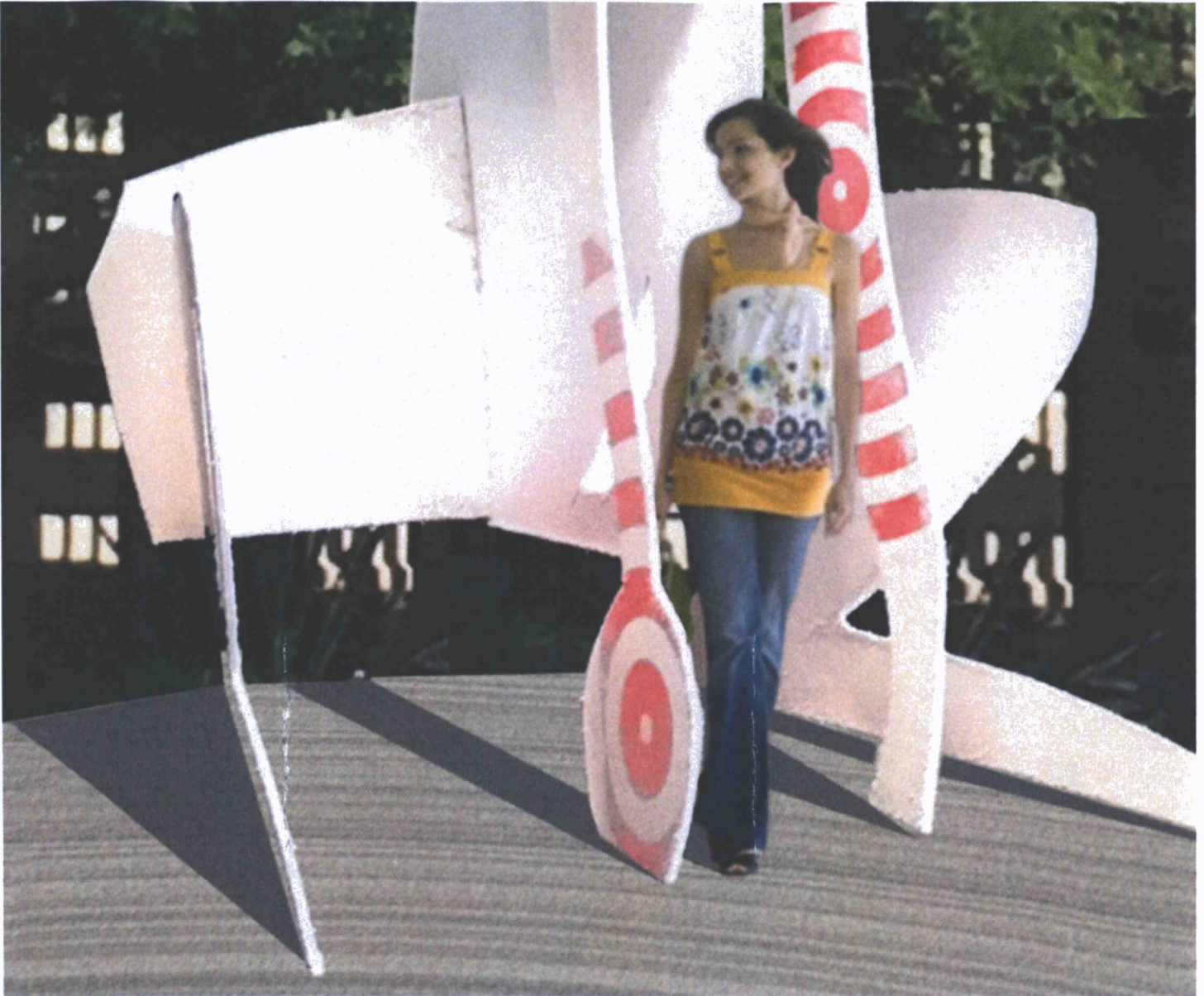
This message also serves as my Public Comment to the Development Review Board, scheduled to meet on 7/6/17 to review this project with Scottsdale Public Art's Project Manager, [Kevin Vaughn-Brubaker](#). <https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/47302>

It should be noted that City Councilman David Smith is a Member of the Development Review Board, and that his wife, Diana, sits on the Board of Trustees of Scottsdale Arts. Also, Councilwoman [Linda Milhaven](#), identified as a "champion" of the "Marshall Way Entry Feature" was former Board Chair of Scottsdale Arts, and [John Randall Nelson](#) has Councilwoman Milhaven's employer, Wells Fargo, as a client. And as far as I know, the City only received two surveys in response to their meeting for this project on Jan. 15, 2014, one from Bentley Calverley, who no longer has her gallery on Marshall Way, and one from [Gerbert Gallery](#) on Main St., where John Randall Nelson sells his artwork.

I believe that John Randall Nelson is trying to sell more of his artwork in Downtown Scottsdale by appropriating the creative work of Bob Petley, and that the City of Scottsdale is facilitating.

Here is a link to the City of Scottsdale's Planning & Development Services Project Narrative. [http://eservices.scottsdaleaz.gov/planning/projectssummary/applicant\\_submittals/ProjInfo\\_15\\_DR\\_20\\_17.pdf](http://eservices.scottsdaleaz.gov/planning/projectssummary/applicant_submittals/ProjInfo_15_DR_20_17.pdf) In the description it states "For over 50 years Jackalope postcards have been a classic Southwestern souvenir." I believe that just this one line is an appropriation and corruption of Bob Petely's "Arizona Jackalope," and an insult to him and his family.

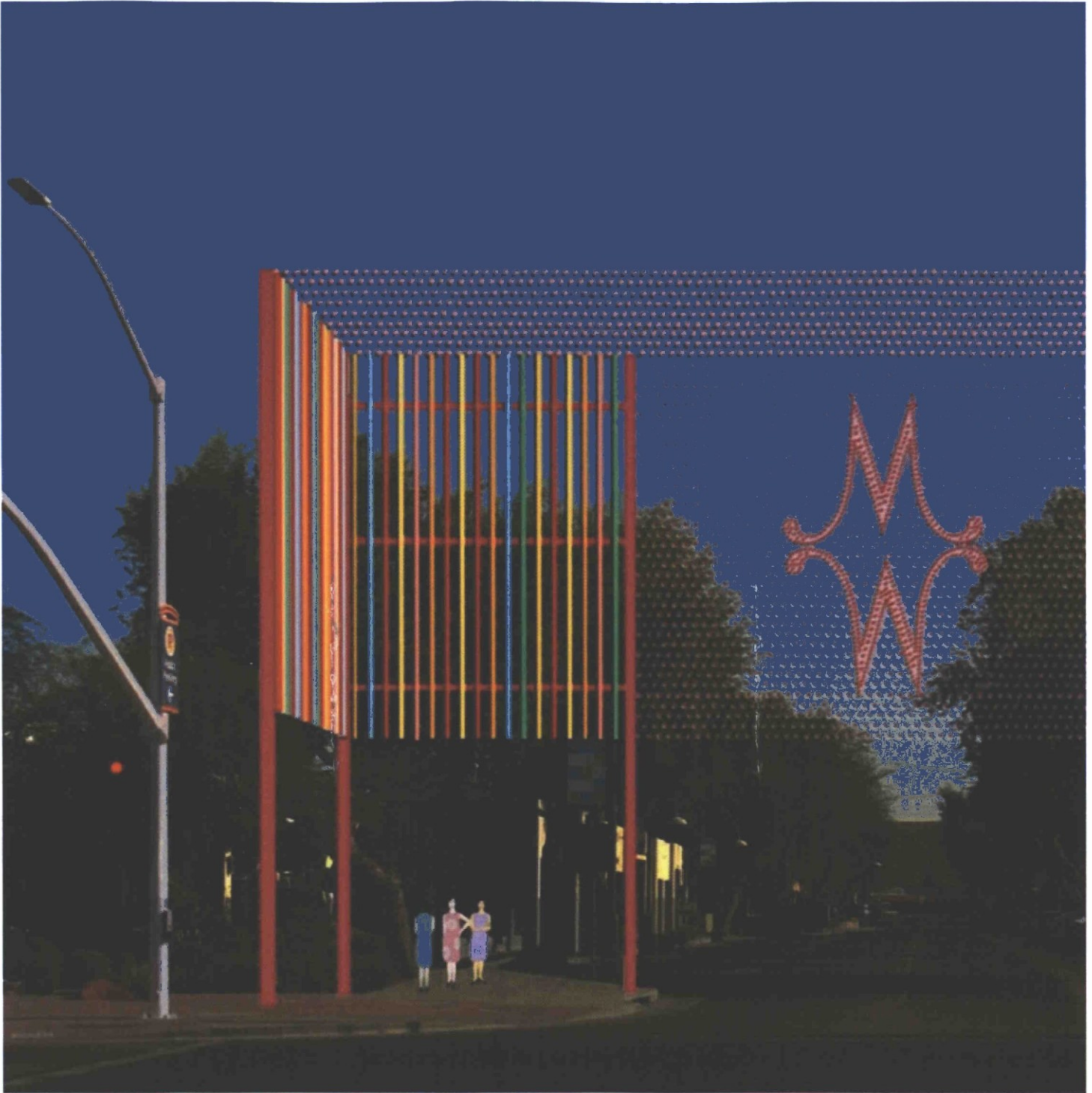
On a note to the Development Review Board and the City of Scottsdale, the Project Narrative also states that the installation intends to be "an interesting place to take pictures or for children to play around." This is what the pictures will look like.



The installation will also be within feet of one of the busiest streets in Downtown Scottsdale, Indian School Road (the City's Transportation Department is also included in this message). A public art installation of this scale should be located in the Civic Center Park. What this intersection needs is a pedestrian overpass, not an obstruction. If you allow this project, you are creating a hazard to the public in the name of public art and as a Capital Improvement Project. The artist himself is creating a hazard to the public, a metal installation with a seat (a friend recently had his surface temperature reader max out at 200° on a metal door on the side of his building). Plus the City already has a public art installation with metal benches across the street.



It should also be noted that the City has already paid \$15,000, or 10% of the overall budget for this “Marshall Way Entry Feature,” to Miami FL artists (the same “metal bench” artists for another Indian School Road project <http://www.scottsdalepublicart.org/permanent-art/flower-pauses>) to come up with this idea for this project, before they were “fired.”



The City of Phoenix Public Art Program has hired these same Miami FL artists, and “Scottsdale” Public Art Director Donna Isaac (who will be [“retiring”](#) on June 30) used to work for the City of Phoenix Public Art Program, as did Kevin Vaughn-Brubaker. Elizabeth Grajales, who works for the City of Phoenix Public Art Program is one of the Artist Selection Committee Members for this “Marshall Way Entry Feature.” From what I can tell, “Scottsdale” Public Art appears to be a misnomer.

As a Citizen representing Citizens, I am requesting that all of you, who this message is being sent to, not approve this project at all, let alone as a “Jackalope,” on the basis of what appears to be significant mismanagement and conflict of interest.

In due diligence, last week I sent an email message to Scottsdale Public Art Project Manager, Kevin Vaughn-

Brubaker, and most of you were copied on that message, entitled "Marshall Way Entry Feature 'Cease and Desist' using the term "Jackalope," and am also attaching this PDF of that message, which includes information and documentation, as well as some of the individuals involved.

In due diligence, I have also issued the same request directly to artist John Randall Nelson, who I've known for quite a while, who originally submitted this concept for the same project, before the Miami FL artists were selected.



The City of Scottsdale and Scottsdale Arts also have John Randall Nelson and the Director of the City of Phoenix Public Art Program, Ed Lebow, on an Artist Selection Committee for the Project Artist for the Scottsdale Terminal Redevelopment Project;

“The selection panel members:

Nora Trulsson – Advisory Board Co-Chair

Erik Peterson – Advisory Board Co-Chair

Ed Lebow – City of Phoenix Public Art

Gary Mascaro – Scottsdale Airport

John Randall Nelson – Artist

Steve Ziomek – Community Member

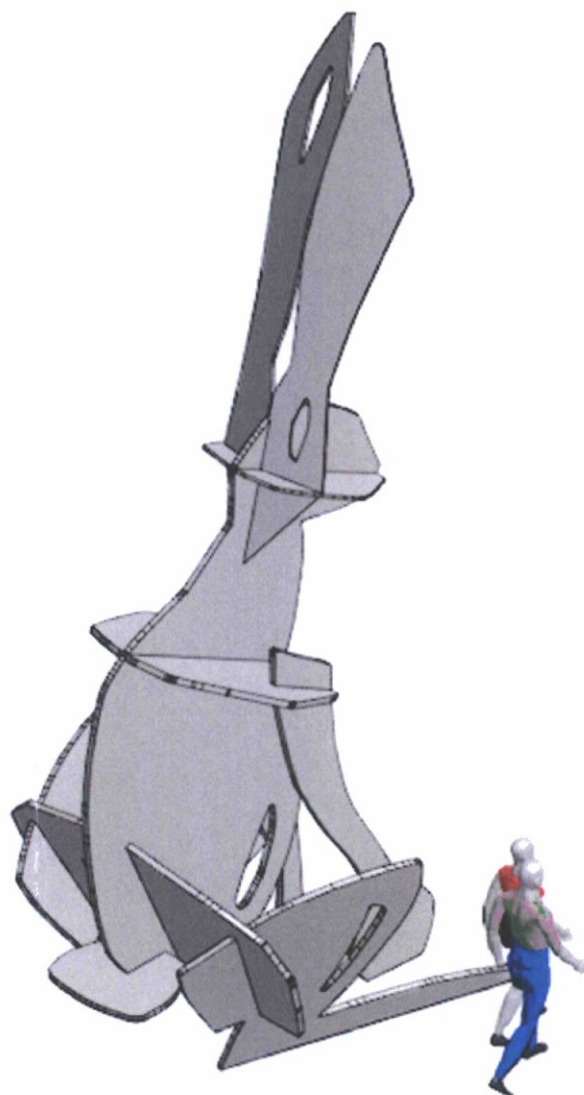
Michael Braun – DWL Architects”

<https://scottsdalearts.org/wp-content/uploads/2016/08/Scottsdale-Public-Art-Advisory-Board-March-8-2017-Minutes-FINAL.pdf>

Here is John Randall Nelson’s Marshall Way Entry Feature ”Rabbit, Rabbit, Rabbit” schematic and his “Jackalope” schematic, with the only visible difference to the public being the addition of the metal seat on the right leg.



ISOMETRIC - FRONT



ISOMETRIC - REAR

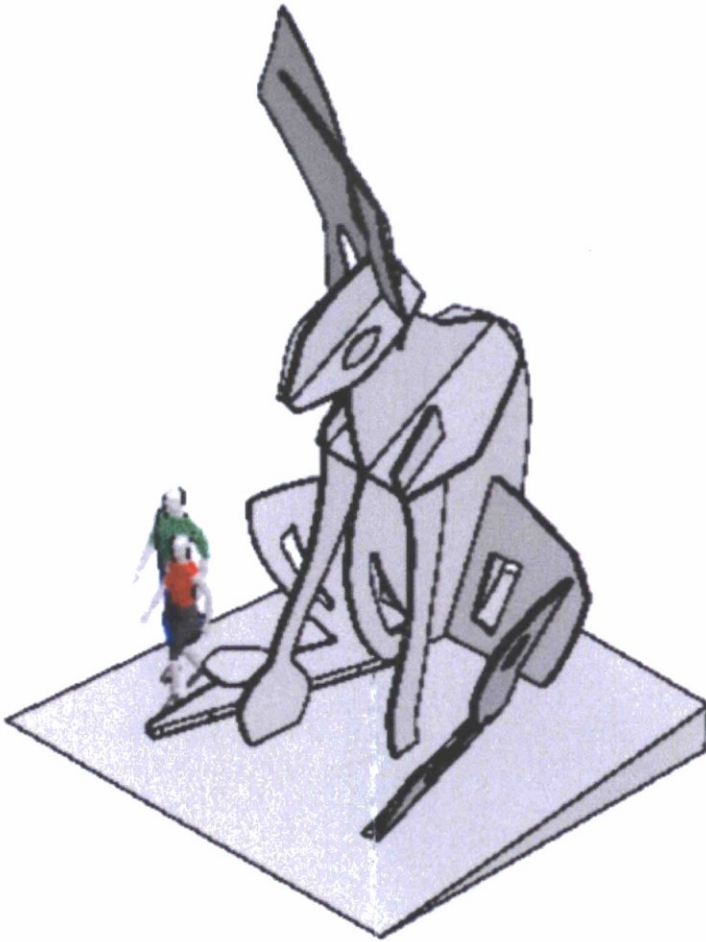
## **RABBIT, RABBIT, RABBIT**

26' x 10' x 11', PAINTED STEEL PLATE

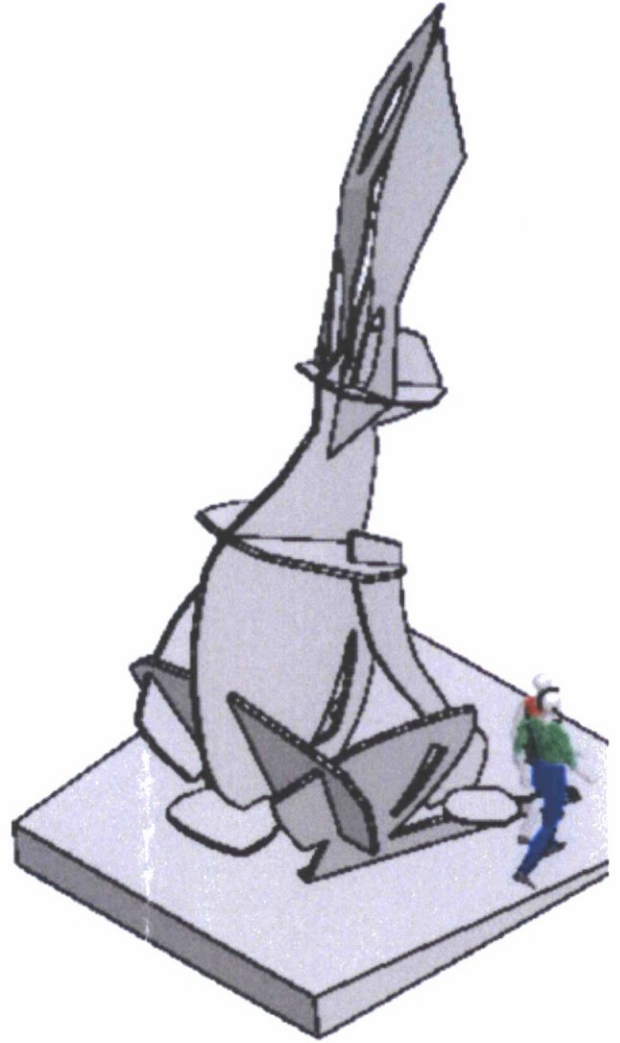
PRELIMINARY ITERATION

MATERIAL: ASTM PLATE

WEIGHT: 20,300 LBS. (APPROXIMATE)



ISOMETRIC - FRONT



ISOMETRIC - REAR

# JACKALOPE

26' x 10' x 11', PAINTED STEEL PLATE

MATERIAL: ASTM A36 PLATE

WEIGHT: 20,800 LBS. (APPROX.)

Here is John Randall Nelson's Photoshop comp, entitled "Black-Tailed Rabbit," which I received from Kevin Vaughn-Brubaker on Nov. 1, 2016, along with the schematic "Rabbit, Rabbit, Rabbit."



For reference, here is information on a “Black-Tailed Rabbit” [https://en.wikipedia.org/wiki/Black-tailed\\_jackrabbit](https://en.wikipedia.org/wiki/Black-tailed_jackrabbit) as well as on a “Jackalope” <https://en.wikipedia.org/wiki/Jackalope> which are two different things.

It appears that John Randall Nelson changed his “Rabbit” into a “Jackalope” after a meeting with the property owners next to the City’s right of way at 7042 E. Indian School Road (in the Project Narrative), an address that will now apparently include a distillery. <http://www.azcentral.com/story/entertainment/dining/dominic-armato/2017/06/09/mma-fighter-holly-holm-brother-buys-eddies-house-scottsdale/384241001/>

Here is an excerpt from the Mar. 8, 2017, Scottsdale Public Art Board Meeting Minutes; "Public Art Manager, Kevin Vaughan-Brubaker provided details on the status of the Marshall Way Project. The project artist, John Randall Nelson, has submitted a revised design in response to recent meetings with property owners. The artist agreed to change his design to the mythical creature of a Jackalope agreeing that it fit with his original ideas for the project and communicates a whimsical nature while alluding to the kitschy Southwestern postcards and curios from the past decade. Mr. Vaughan-Brubaker presented the slight modifications to the ears to indicate a Jackalope by adding antler buds and referencing the mythical creature in the artist’s new language for the plaque. These changes came about after a meeting with the Shipp family who own the property directly behind the statue location. The installation is planned to for May/June 2017, dependent on the outcome of Scottsdale Public Art’s meeting with the DRB and approval of a building permit.”

From the documentation that I’ve been able to compile through the City’s Public Records, it is my understanding that City Council approved this “Marshall Way Entry Feature” as a Capital Improvement Project to be funded by bed-tax dollars with no pro forma, and that the City has already removed an entry feature at that location which was funded in part by bond money.

As a [Scottsdale Citizen](#), it’s disconcerting that this is how my City is stewarding bond money and spending bed tax dollars, in what appears to be appropriation and corruption.

Please take a moment to read the section entitled “Capital Project Management” from the Dec. 16, 2014, Tourism Development Commission Work Study Session Minutes. <http://www.scottsdaleaz.gov/AssetFactory.aspx?did=57042>

Here are some excerpts;

“Mr. Worth said the CIP General Fund will run out of money in year four unless projects are streamlined and/or additional money comes in from outside partners. The City is obligated to pursue federal and county grants, and this matching grant money helps stretch the City's sales tax revenue. Despite this, the City still has a significant amount of unmet needs. City Council will soon decide whether to approve another bond election and how it would be structured.”

“Mr. Worth reviewed tourism projects currently in the CIP. These include the Marshall Way entry feature; the Scottsdale Museum of the West; the public art project for WestWorld, the Tony Nelssen Equestrian Center; and the TPC clubhouse and stadium renovation. Most of the funding put towards the various studies regarding the DDC have not come out of the bed tax, but one study was funded with tourism money. While the DDC study appears in the FY2014/15 budget, it has mostly been paid off already. However, until it is officially finished and the contracts paid off, it has to be rebudgeted according to municipal budgeting practices.

Chairperson Scholefield asked about the steps taken to ensure that a bed tax funded project meets the eligibility requirements. Mr. Worth explained that when a project requests bed tax funding, Tourism is notified first. If

they determine that the project qualifies, it is brought to the attention of the TDC. City Council has the prerogative to consider projects on short notice.

Chairperson Scholefield noted that the Marshall Way project just showed up on the proforma without explanation after it had been approved by City Council. The TDC never had a chance to consider it, even though City Council expects communication from the Commission. He said staff has the responsibility of providing information on City Council approved bed tax expenditures, along with the processes and procedures that were used to approve them. Mr. Worth agreed. Mr. Geiogamah said Tourism staff is monitoring City processes to identify projects that should come before the TDC.”

Here is a copy of the Memorandum of Understanding that the City of Scottsdale has with Scottsdale Public Art.



LIVE THE ART. LOVE THE PLACE

## Memo of Understanding

**Date:** August 18, 2014

**From:** Donna Isaac, Scottsdale Public Art

**To:** Paul Katsenes, Economic Vitality  
Gary Meyer, COS Capital Projects

**CC:** Melanie Gibson, CPM

**Re:** Marshall Way MOU

The City of Scottsdale and the Scottsdale Cultural Council are entering into a Memorandum of Understanding for the development of public art with the development of **MARSHALL WAY**. The objective requires close coordination among the City and the Scottsdale Cultural Council Public Art staff and the projects. This correspondence is a memo of understanding for the Cultural Council to allow for project development under an increase in funding must be mutually agreed upon in writing.

**Project Name:** MARSHALL WAY  
**Project Source:** Economic Vitality- DA02A  
**Agreement:** COS # Sec 5.2 Public Art

Additional history, information, and documentation about this “Marshall Way Entry Feature” can be found in my email thread entitled “Marshall Way Enhancement Project Citizen Petition against the Humping Rabbit” in the City’s Public Records, which starts out with a message to Councilwoman Milhaven, dated Jun. 6, 2014, and entitled “Marshall Way Enhancement Project Citizen Petition.”

I have provided you with all of this information in due diligence. Since I am unfamiliar with the procedure of my City in this regard, please have the appropriate person/s contact me with regard to mediation options in order to resolve this dispute regarding the City of Scottsdale, Scottsdale Arts, and John Randall Nelson appropriating and corrupting my Bob Petley Jackalope homage idea and project.

As courtesy, I am copying the artist and the Scottsdale Arts project manager, as well as the property owners next to City’s right of way at 7042 E. Indian School Road, the Shipp family. It should be noted that “the Shipp family” is Herb Shipp, and his son, Christopher aka Blen, who are son and grandson of Earl Shipp. [http://www.eastvalleytribune.com/local/the\\_valley/earl-shipp-remembered-as-a-builder/article\\_94aa06ef-9be9-569d-a2af-32dbbae7b85b.html](http://www.eastvalleytribune.com/local/the_valley/earl-shipp-remembered-as-a-builder/article_94aa06ef-9be9-569d-a2af-32dbbae7b85b.html)

Dan Semenchuk

P.S. In my opinion, “Scottsdale Public Art” has become nothing more than an event production company aka “Canal Convergence,” and on the part of my City, should be treated as such, just like my City treats the “Parada del Sol” and other Downtown Scottsdale events.



# SURVEY

Our Future in Progress



## Marshall Way Public Art Project

Thank you for attending this morning's public meeting on the Marshall Way Public Art Project. Communication with our residents is a high priority for the City of Scottsdale and meetings such as this one offer an opportunity for you to let us know what you think about projects that affect your neighborhood.

Today we are seeking input regarding a public art project along Marshall Way in Downtown Scottsdale. The project team will give a brief presentation followed by the opportunity for questions, answers and public comment.

Please take a few moments to answer the following questions and tell us anything you would like the project team and the artists to know about the project site.

Name: William Lewis Lykins  
Address: 6526 E. Cymen Street Scottsdale Zip: 85267  
Email: ~~William.Lykins@CityOfScottsdale.gov~~ wml@wmlewislykins.com  
(NO SPACES)

1) On average, how many times a week do you visit Downtown Scottsdale? 6  
4-5 During the week? 1 Over the weekend?

2) What times of day do you are you in the downtown area the most?  
 Early Morning (before 7 a.m.)  Morning (7 - 11 a.m.)  Midday (11 a.m. - 1 p.m.)  
 Afternoon (1 - 4 p.m.)  Evening (4 - 7 p.m.)  Night (after 7 p.m.)

3) Are you a downtown...  
 Visitor  Business Owner  Resident  Other  
(Please check all that apply)

4) What do you believe are some defining characteristics of this area?  
mix retail/restaurants pedestrian friendly

5) What do you like most about Downtown Scottsdale?  
civic center plaza main/marshall

ADDITIONAL QUESTIONS ON REVERSE SIDE



# SURVEY

Our Future in Progress



## Marshall Way Public Art Project

6) Please let us know what some of your favorite public art installations are in Scottsdale?

*Nevelson 'windows of view' Water Mark on Indian Bend  
Mell's Jacknife R. Indiana n LOVE Solow Bridge*

7) What is the most important goal for this public art installation?

- Create a landmark
- Create a destination point
- Blend in with the existing area
- Other, if so what?
- Energize the area
- Help enhance the area's identity
- Provide unexpected moments of surprise

8) Would you prefer the public art to make a grand statement, such as an entry feature, or to be spread throughout the project corridor?

*grand statement*

9) Would you prefer static public art, such as an installation, or performance based public art, such as artist residences or events?

*permanent*

10) Please provide any general comments on the Marshall Way Public Art Project and this morning's public meeting.

*an installation that would attract people to the entry of Marshall Way north of Indian School would be most beneficial and appropriate. Something that could be seen at night - well lit up. It was unfortunate and disrespectful to the program (public art) and the facilitators that business owners or self proclaimed 'advocates' hijacked the meeting to only focus on their grievances about the city and the street.*

Please hand in your survey before you leave this morning or email your comments to [GMeyer@ScottsdaleAZ.gov](mailto:GMeyer@ScottsdaleAZ.gov) by January 22, 2014.

*with absolute no interest or passion for the*  
Thank you for spending a portion of your morning with us!

*prospect of a new public art addition to Scottsdale.*

From: **Dan Semenchuk** dan@creativeconnect.org  
Subject: Re: Marshall Way Entry Feature "Cease and Desist" using the term "Jackalope"  
Date: June 21, 2017 at 5:01 PM



To: Kevin Vaughan-Brubaker KevinV@scottsdalearts.org  
Cc: Brent Stockwell BStockwell@scottsdaleaz.gov, Gary Meyer gmeyer@scottsdaleaz.gov, Dan Worth dworth@scottsdaleaz.gov, Sharron Walker SWalker@scottsdaleaz.gov, Guy Phillips GPhillips@Scottsdaleaz.gov, Suzanne Klapp SKlapp@scottsdaleaz.gov, Linda Milhaven LMilhaven@scottsdaleaz.gov, Virginia Korte VKorte@Scottsdaleaz.gov, Jim Lane JLane@ScottsdaleAZ.Gov, Bruce Washburn bwashburn@scottsdaleaz.gov, Danielle Casey DCasey@Scottsdaleaz.gov, Kathy Littlefield KLittlefield@Scottsdaleaz.gov, David Smith DnSmith@Scottsdaleaz.gov, Karen Churchard KChurchard@Scottsdaleaz.gov, Paul Basha PBasha@Scottsdaleaz.gov, Carolyn Jagger cjagger@scottsdaleaz.gov, Jim Thompson JThompson@Scottsdaleaz.gov, C.B. Shipp blen@mac.com, Herb Shipp canyonrider@mac.com, John Nelson whonelson@cox.net

Kevin,

Please consider this a "cease and desist" request with regard to calling the John Randall Nelson and Scottsdale Public Art installation a "Jackalope."

I am claiming intellectual property rights for a "Jackalope sculpture" in Scottsdale, and believe that my idea and concept is being appropriated. I will be issuing a separate notice to the City of Scottsdale with my request. Following is some documentation to support my claim.

I met with Rachel Smetana, the Mayor's Chief of Staff, on Aug. 1, 2014, and shared with her my idea to create a Jackalope sculpture in Downtown Scottsdale to pay homage to [Bob Petley](http://www.cranksmytractor.com/2015/09/jackalope-real.html) as the creator of the "Arizona Jackalope," and who printed millions of "kitschy Southwestern postcards." <http://www.cranksmytractor.com/2015/09/jackalope-real.html> Bob Petley's daughter works in Downtown Scottsdale and I have her support for a Jackalope sculpture as homage to her father. I met with former City Councilwoman Betty Drake on July 24, 2014, the week before I met with Rachel Smetana, and shared my idea with her (Betty and I were part of the Scottsdale Public Art Master Plan). I met with Councilwoman Virginia Korte (she and Rachel Smetana are the only two people that I know of who have stated that they like the Scottsdale Public Art installation on the Thomas Road Bridge) on July 29, and with you the following day, on July 30, 2014.

After considering several locations for my installation, I settled on private property because I don't want to deal with Scottsdale Public Art politics, and I also don't trust Scottsdale Public Art as an outside organization. On my own, I've conceived and facilitated multiple public art projects in Downtown Scottsdale, both on public and private property, and on more than one occasion, it appears that Scottsdale Public Art appropriated my ideas and connections, which I've had to document with the City of Scottsdale. I was focusing on the northwest corner of Main St. and Scottsdale Rd. as the location for my project, because it's across the street from the cowboy sign, and the Jackalope would provide another attraction and photo opportunity at that intersection. By the way, this is what the cowboy sign corner used to look like.

## Then and Now: Main Street and Scottsdale Road





**THEN:** Frederick's Chevron Station was at the northeastern corner of Main Street and Scottsdale Road in downtown Scottsdale. It was owned by Vernon Don (Jim) Frederick, a city councilman who was murdered in 1954.

**NOW:** The intersection is the heart of Old Town Scottsdale, anchored by a Gilbert Ortega gallery and the renowned cowboy sculpture.

*PHOTO BY: Scottsdale Historical Society (Then), Dave Seibert/The Arizona Republic (No*

JUMP TO 36 OF 73 GO

The Art Deco gas station was amazing, but unfortunately, became another example of the City of Scottsdale allowing our history, vintage, culture and character to be torn down in an attempt to attract tourists (Gilbert Ortega's other building on Brown and 1st Avenues has been vacant for over a year). The City has already removed an entryway monument, which was paid for in part by bond money, in order to put up The Giant Pink Humping Rabbit, which is being funded by tourist (heads in beds) dollars. Had the City of Scottsdale preserved the gas station, it could have been turned into a restaurant and become an iconic attraction. The guy who owned the gas station was a City Councilman who was murdered by a jealous husband, and apparently he and Scottsdale's first Mayor, Malcolm White (one of the first guys to put up a western façade on his building [now Italian Grotto] and dress up like a cowboy for tourists), had an ongoing wager as to [how many tourist women they could bed](#). Malcolm White's wife, Lorraine, just passed on April 28.

With regard to my Jackalope project, I met with Blen Shipp (his father is Herb and his grandfather was Earl) on May 8, 2014, in that their family used to own the property on the northwest corner of Main St. and Scottsdale Road. The Shipp family endowed that property to the First Baptist Church of Scottsdale (founded by Scottsdale's namesake, Chaplain Winfield Scott) and where I was a member at the time. I met with one of the First Baptist Church of Scottsdale Endowment Committee Members, Craig Hazeltine, the day after we met, on July 31, 2014, to discuss my Jackalope project.

In a text message, dated Nov. 4, 2014, Rachel Smetana offered to help with my Jackalope project.

Yes--happy to help follow up on any of that stuff. The garden district, the jackelope...let me know what you need.

In an email message, dated Dec. 23, 2014, I asked Rachel who was on Mayor Lane's "Downtown Task Force," in addition to these [published members](#):

Steve Nelson (Scottsdale Fashion Square)

Tom Frenkel (the guy who tore down the vintage Plaza 777 on Scottsdale Rd. at Thomas Rd. to put up the Tom/Scott apartments)

Shawn Yari (Entertainment District)

Brian Raab (Brown Ave.)

Jinger Richardson (Legacy Gallery, northwest corner of Main St. and Scottsdale Rd. and tenant of the First Baptist Church of Scottsdale)

Jason Rose (a "champion" of the Marshall Way Entry Feature and the Mayor's political consultant)

Debbie Saba-Cooper (Brown Ave.)

Rachel responded with:

Anselm Bischoff (Brown Ave.)

Blen Shipp (property owner on Marshall Way/Indian School Rd.)  
Dan Klinski (property owner on Marshall Way)  
Fred Unger (property owner on Marshall Way/5th Avenue)  
Andrew Chippindall (see the following)  
Megan Dugan (The "Waterfront")  
Mike Matthews (?)

Andrew Chippindall is currently the Board Chair for Scottsdale Cultural Council/Scottsdale Arts, a position once held by Councilwoman Linda Milhaven (also a "champion" of The Giant Pink Humping Rabbit), and Councilman David Smith's wife, Diana, currently sits on its Board of Trustees. Paradise Valley resident Fred Unger sits on the Scottsdale Arts/Scottsdale Public Art Advisory Board, and like the Shipp family, is a Downtown Scottsdale property owner and developer. [Earl Shipp](#) also lived in Paradise Valley.

The Shipp family owns the complex of buildings and property on the north side of Indian School Road between Marshall Way and Goldwater Boulevard, and this project appears to be another example of the City of Scottsdale using taxpayer dollars to put up public art for the benefit of property owners and developers without them having to pay for it. On Feb. 6, 2017, I sent Blen and Herb Shipp an email message asking their opinion of The Giant Pink Humping Rabbit, and Blen responded; "I'd prefer a Jackalope....."

I'd prefer a Jackalope .....

On Feb 6, 2017, at 11:46 AM, Dan Semenchuk <[dan@creativeconnect.org](mailto:dan@creativeconnect.org)> wrote

The Minutes from your Scottsdale Public Art Board Meeting on Mar. 8, 2017, read as follows;

"Marshall Way Project Design Update

Public Art Manager, Kevin Vaughan-Brubaker provided details on the status of the Marshall Way Project. The project artist, John Randall Nelson, has submitted a revised design in response to recent meetings with property owners. The artist agreed to change his design to the mythical creature of a Jackalope agreeing that it fit with his original ideas for the project and communicates a whimsical nature while alluding to the kitschy Southwestern postcards and curios from the past decade. Mr. Vaughan-Brubaker presented the slight modifications to the ears to indicate a Jackalope by adding antler buds and referencing the mythical creature in the artist's new language for the plaque. These changes came about after a meeting with the Shipp family who own the property directly behind the statue location. The installation is planned for May/June 2017, dependent on the outcome of Scottsdale Public Art's meeting with the DRB and approval of a building permit."

Please note my Facebook post on Feb. 10, 2017, showing an example of what my Jackalope sculpture would look like. <http://bit.ly/2sL2fhh>

Like Reply February 10 at 7:58pm  
Dan Semenchuk Here are the schematics.

Like Reply February 10 at 8:01pm  
Write a reply...

Like Reply February 10 at 8:01pm  
Dan Semenchuk I've been trying to get traction for a Jackalope sculpture in Downtown Scottsdale, and this is what it would look like.

Like Reply February 10 at 8:06pm  
Dan Semenchuk What would you rather see, an offensive giant pink humping rabbit, or a Jackalope (Bob Petley created the Arizona Jackalope [www.orankmytractor.com/2015/05/jackalope-real.html](http://www.orankmytractor.com/2015/05/jackalope-real.html)) that families could have their pictures taken next to?

Are Jackalopes Real?  
If you are unsure as to what a jackalope is, you are...  
ORANKMYTRACTOR.COM

Like Reply Remove Preview February 10 at 8:12pm  
Write a comment...

A PUBLIC ART "BEACON" FOR THE CITY OF SCOTTSDALE'S MARSHALL WAY  
PHOTOGRAPH BY JOHN RANDALL NELSON

John Randall Nelson's concept entitled "Rabbit, Rabbit, Rabbit" is clearly intended to be a childish wooden-puzzle-looking rabbit and is now appropriating my "Jackalope" concept by making a minor modification and changing the name.

Since you are identified as the Scottsdale Public Art Project Manager, I am starting with you (but am also copying the artist, John Randall Nelson, as well as the Shipp family, and City Council and Staff) on this request to "cease and desist" using the term "Jackalope" or references, such as "antler buds," in any context or form for this "Giant Pink Humping Rabbit," or any Scottsdale Public Art project within the City of Scottsdale.

Dan Semenchuk

On Jun 16, 2017, at 1:38 PM, Kevin Vaughan-Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)> wrote:

Hi Dan,

I did send the Jackalope re-design that John did initially on April 12<sup>th</sup>. at that point the only design modification was to add an antler bud at the base of the right ear and cut out an antler bud at the base of the left ear. These changes were very subtle and it is easy to miss the difference from the jackrabbit version. However, since that time, we have requested that John make further changes to the design to make it more recognizable as a Jackalope. Attached are the revisions – you'll notice more defined antlers added behind the ears. Also included in the re-design is another seating element on the right leg.

Best,

Kevin

**From:** Dan Semenchuk [<mailto:dan@creativeconnect.org>]

**Sent:** Friday, June 16, 2017 12:53 PM

**To:** Kevin Vaughan-Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)>

**Cc:** Brent Stockwell <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>; Gary Meyer <[gmeyer@scottsdaleaz.gov](mailto:gmeyer@scottsdaleaz.gov)>; Dan Worth <[dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)>

**Subject:** Re: Marshall Way Entry Feature

Kevin,

On April 10, I had asked for you to send me John's revised design, and you sent me his original design versus his revised "Jackalope" design. Why is that?

Please read this statement from Scottsdale Public Art's March 8 Board Meeting Minutes. <https://scottsdalearts.org/wp-content/uploads/2016/08/Scottsdale-Public-Art-Advisory-Board-March-8-2017-Minutes-FINAL.pdf>

"Marshall Way Project Design Update

Public Art Manager, Kevin Vaughan-Brubaker provided details on the status of the Marshall Way Project. The project artist, John Randall Nelson, has submitted a revised design in response to recent meetings with property owners. The artist agreed to change his design to the mythical creature of a Jackalope agreeing that it fit with his original ideas for the project and communicates a whimsical nature while alluding to the kitschy Southwestern postcards and curios from the past decade. Mr. Vaughan-Brubaker presented the slight modifications to the ears to indicate a Jackalope by adding antler

presented the sign modifications to the city to indicate a jackalope by adding antler buds and referencing the mythical creature in the artist's new language for the plaque. These changes came about after a meeting with the Shipp family who own the property directly behind the statue location. The installation is planned to for May/June 2017, dependent on the outcome of Scottsdale Public Art's meeting with the DRB and approval of a building permit."

Would you please send me John's "Jackalope" design?

Thanks,  
Dan

On Apr 12, 2017, at 2:00 PM, Kevin Vaughan-Brubaker  
<[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)> wrote:

Hi Dan,

See the attached.

Best,

Kevin

-----Original Message-----

From: Dan Semenchuk [<mailto:dan@creativeconnect.org>]

Sent: Monday, April 10, 2017 4:54 PM

To: Kevin Vaughan-Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)>

Cc: Stockwell, Brent <[BStockwell@scottsdaleaz.gov](mailto:BStockwell@scottsdaleaz.gov)>

Subject: Re: Marshall Way Entry Feature

Kevin,

Would you please send me a PDF of John's revised and current design?

Thanks,  
Dan

On Nov 1, 2016, at 12:57 PM, Kevin Vaughan-Brubaker  
<[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)> wrote:

Hi Dan,

Sending again. I originally sent these images over on the 21st.

Best,

Kevin

-----Original Message-----

From: Kevin Vaughan-Brubaker  
Sent: Friday, October 21, 2016 2:21 PM  
To: 'Dan Semenchuk' <[dan@creativeconnect.org](mailto:dan@creativeconnect.org)>  
Subject: RE: Marshall Way Entry Feature

Hi Dan,

Here you go. Have a good weekend.

Best,

Kevin

-----Original Message-----

From: Dan Semenchuk [<mailto:dan@creativeconnect.org>]  
Sent: Friday, October 21, 2016 12:52 PM  
To: Kevin Vaughan-Brubaker <[KevinV@scottsdalearts.org](mailto:KevinV@scottsdalearts.org)>  
Subject: Re: Marshall Way Entry Feature

Kevin,

Would you please send me a PDF of the selected concept?

Thanks,  
Dan

On Oct 20, 2014, at 2:25 PM, Kevin Vaughan-Brubaker <[KevinV@sccarts.org](mailto:KevinV@sccarts.org)> wrote:

Hi Dan,

Please find the PDF of R&R Studios' proposal that was recommended for approval by the selection panel on Friday. The proposal still needs to be approved by the Scottsdale Public Art Advisory Board on November 12th.

Cheers,

Kevin

-----Original Message-----

From: Dan Semenchuk  
[\[mailto:dan@creativeconnect.org\]](mailto:dan@creativeconnect.org)  
Sent: Friday, October 17, 2014 3:03 PM  
To: Kevin Vaughan-Brubaker

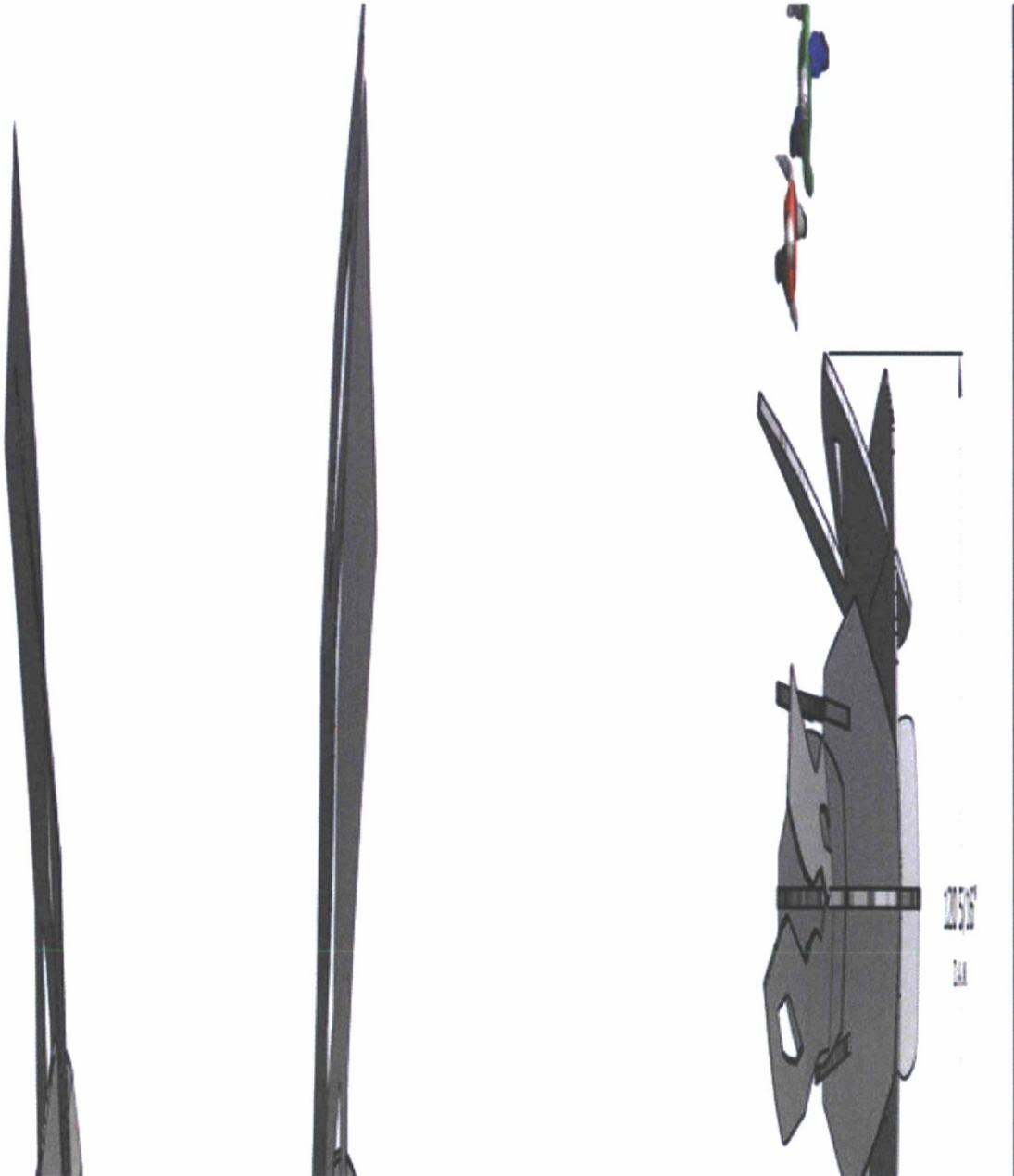
Subject: Marshall Way Entry Feature

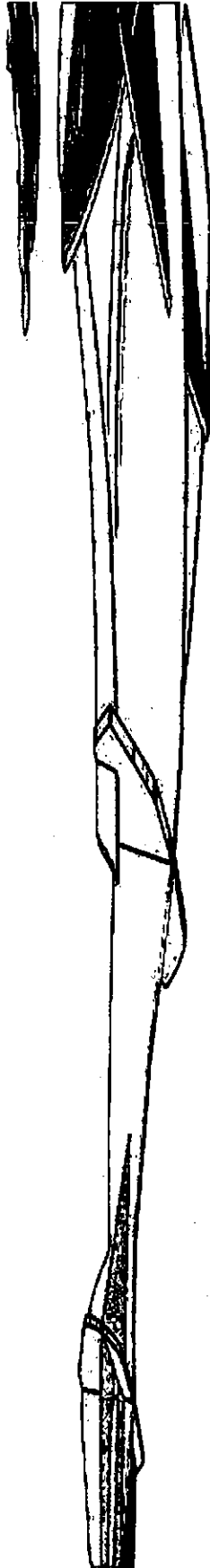
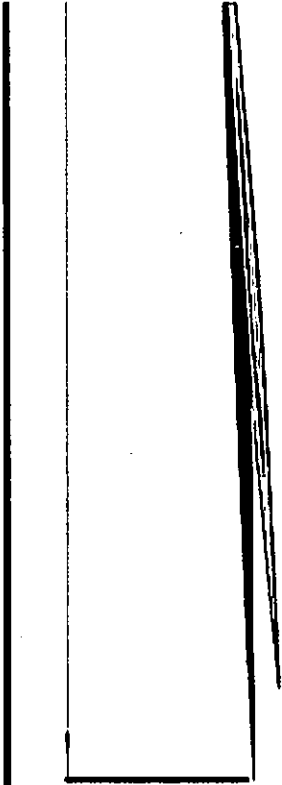
Kevin,

Would you please send me a PDF of the selected concept?

Thanks,  
Dan

<BlackTailedJackRabbit.jpg>  
<proposal\_drawing.jpg>

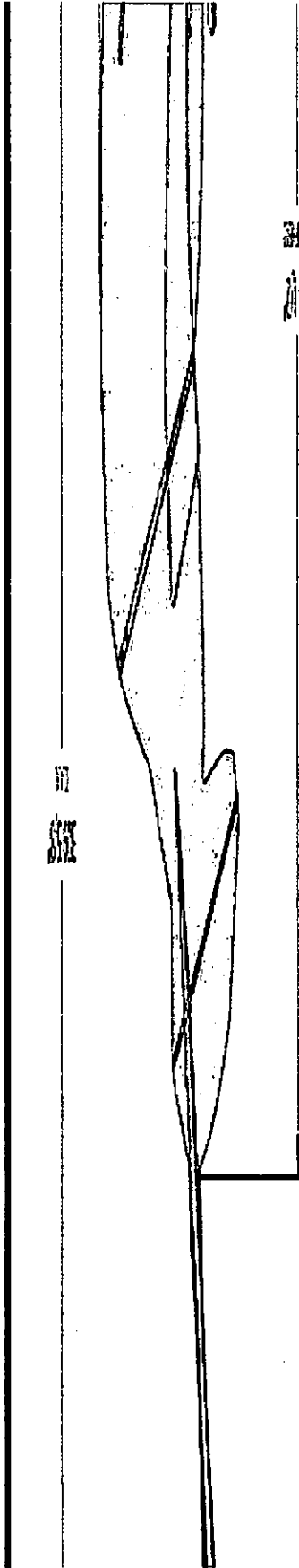




172



# JACKALOPE



344  
345

347  
348



349

350-351

352-353

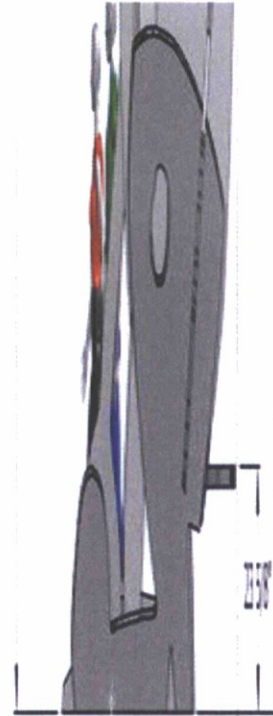


26' x 10' x 11', PAINTED STEEL PLATE

PRELIMINARY ITERATION

MATERIAL: ASTM PLATE

WEIGHT: 20,300 LBS. (APPROXIMATE)



ELEVATION

PROFILE



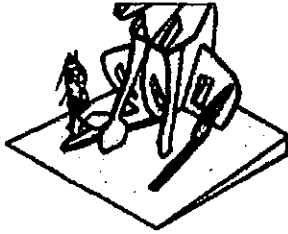


FIGURE 1

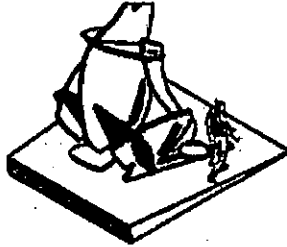


FIGURE 2



FIGURE 3



FIGURE 4

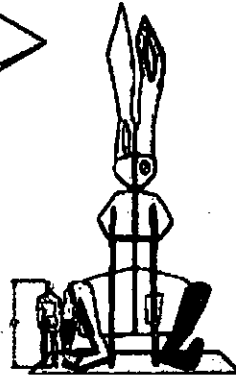


FIGURE 5

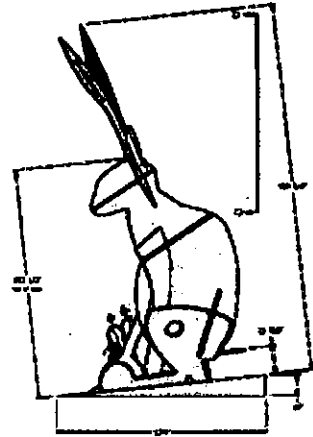


FIGURE 6

# JACKALOPE

26" x 10" x 11", PAINTED STEEL PLATE

PAINTED WITH AN BLACK  
PAINTED WITH AN (OPTIONAL)



# Neighborhood Notification Checklist

AB, BA, UP, DR, HE, HP, MUMSP, PP

Neighborhood notification is necessary for all Conditional Use Permits, including Municipal Use Master Site Permits, Abandonments, Development Review Board, Board of Adjustment, and Hardship Exemption cases. You are required to return this form with checked items completed, and your Neighborhood notification Report with your application submittal.

If you have questions on these requirements, please contact Planning & Development Services at 480-312-2328.

**This application is for a:**

- Abandon of ROW/GLO
- Board of Adjustment
- Conditional Use Permit
- Historic Preservation Commission
- Development Review Board
- Hardship Exemption
- Municipal Use Master Site Plan

If you are submitting an application for Re-Zoning, Zoning Ordinance Text Amendments, Zoning Stipulation Amendments, Council Approved Amended Standards, and City Council Site Plan Approval this is not the correct checklist; please obtain a copy of the Citizen Review Checklist from your project coordinator. If you are applying for a General Plan Amendment, please obtain a copy of the Neighborhood Involvement Checklist from your project coordinator.

Complete the following marked items **prior to** submitting your application

**Step 1: Neighborhood Notification**

<p><b>Provide information by:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 1<sup>st</sup> Class Letter or Postcard</li> <li><input checked="" type="checkbox"/> In Person</li> <li><input type="checkbox"/> Phone call</li> <li><input type="checkbox"/> Certified Mail</li> <li><input type="checkbox"/> Door Hangers/Flyers</li> </ul>	<p><b>To:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Property owners and HOAs within 750' (*required for all WCF)</li> <li><input checked="" type="checkbox"/> Adjacent property owners/ tenants/HOAs</li> <li><input type="checkbox"/> School District(s)</li> <li><input type="checkbox"/> Interested Party list (provided by Project Coordinator)</li> <li><input type="checkbox"/> Tenants, employees, and students (*required for all WCF)</li> </ul>
---	--

\* WCF requirements for Notification shall be completed a minimum of 15 days prior to the application submittal. Notification for all other applications should be within 45 days prior to the date of your formal submittal.

**Project Notification shall include the following information:**

- Project request and description
- Location
- Size (e.g. Number of Acres of project, Square Footage of Lot)
- Zoning
- Site Plan
- Applicant and City contact names and phone numbers
- Any scheduled open house(s) - including time, date, and location

**Step 2: Project Under Consideration**

- Post sign 10 calendar days prior to your Open House Meeting. (See Sign posting requirements)
- Post sign 15 calendar days prior to your formal application submittal. (See WFC requirements)

## Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088



# Neighborhood Notification Checklist

AB, BA, UP, DR, HE, HP, MUMSP, PP

## Step 3: Hold An Open House Meeting

You are required to hold a minimum of 1 Open House Meeting(s).

Provide open house date, time, and location to Project Coordinator **at least** 14 calendar days prior to the meeting. E-mail open house information to project coordinator and to: [planninginfo@scottsdaleaz.gov](mailto:planninginfo@scottsdaleaz.gov).

## Step 4: Complete a Neighborhood Notification Report

Provide all of the checked items, in a report, with your submittal

- You are required to submit a Neighborhood Notification Report with your application.
- Submit either the original, or a copy of this marked Neighborhood Notification Packet.
- Document your Project Notification efforts as follows:
  - Provide a list of names, phone numbers/addresses of contacted parties (e.g. neighbors/property owners, School District representatives, and HOA's).
  - Provide a map showing where notified neighbors are located.
  - Provide the dates contacted, and the number of times contacted.
  - Indicate how they were contacted (e.g. letter, phone call). If certified mail was used, provide receipts of delivery.
  - Provide copies of letters or other means used to contact neighbors, the school district, and HOA's.
  - Provide originals of all comments, letters, and correspondence received.
- Verify the "Project Under Review" Sign Posting or Newspaper listing as follows:
  - Provide affidavit of posting, and pictures of sign, which are date and time stamped.
  - Copy of Newspaper listings with date of publication.
- Document the Open House Meeting(s) as follows:
  - List dates, times, and locations of open house meeting(s).
  - Provide the sign-in sheets, list of people attended the meeting(s), comment sheets, and written summary of the comments, issues and concerns provided at the open house meeting(s).
  - List the method by which the applicant has addressed, or intends to address, the issues, concerns, and problems identified during the process.
  - List dates, times, and locations of any follow-up with interested parties.
- List any other neighborhood, citizen involvement.

### Related Resources:

- Project Under Consideration Sign Posting Requirements
- Affidavit of Posting
- Public Hearing Sign Posting Requirements

## Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

# Scottsdale Public Art Invites Community Input

## Marshall Way Public Art Project Sculpture Design Open House

Scottsdale Public Art invites community members to attend the Marshall Way Public Art Project Open House to preview and comment on the proposed design by local artist John Randall Nelson, to be located at the intersection of Marshall Way and Indian School Rd.

**Location:**

**7051 E. Fifth Ave., Scottsdale, AZ 85251**

**Dates and Times:**

**Thursday, Sept. 22: 6 – 9 p.m.**

**Friday, Sept. 23: 4 – 7 p.m.**

**Saturday, Sept. 24: Noon – 3 p.m.**

The input gathered during the Open House will be taken into consideration by the Scottsdale Public Art Advisory Board and the City of Scottsdale Development Review Board. Input from the community is vital during this stage of the design process as the Public Art Advisory Board considers approval of the design and the Development Review Board reviews the application as part of the city's planning process.

**Visit [ScottsdalePublicArt.org](http://ScottsdalePublicArt.org)  
for more information.**

**arts** scottsdale  
scottsdale public art



750' radius for notification

Click the black dot near the point of the push pins to get detailed information.

### My Neighborhood

- Search (0)
- Info (5)
- Building Permits (2)
- Plan Reviews (3)



# SURVEY

*Our Future in Progress*



Thank you for completing and submitting your comments on the proposal by John Randall Nelson for the Marshall Way Entry Feature Public Art Project. Your comments will be taken into consideration by the Scottsdale Public Art Advisory Board and the City's Development Review Board (DRB) as part of the design and approval process.

- 1) What are your thoughts on how the proposed sculpture fits into and/or enhances the unique character of this area of Scottsdale?

John Randall Nelson's paintings and sculptures are so unique and characteristic of his eccentric view of the world. I think this sculpture adds a lot of visual interest and would fit well at the entry to Marshall Way

- 2) The challenge for the artist was to come up with a design that connects the viewer to the history of Marshall Way and also communicates an excitement about the future of this area. Do you think the proposed design is a successful solution to both of these considerations, or one more than the other?

I think it is a great solution and would invite people to take a closer look not only at the sculpture but take a closer look at Marshall Way.

- 3) What elements of the proposal capture your attention and might compel you to return to Marshall Way to show friends and visitors?

The very large scale of this sculpture is hard to miss and both immediately and over time will become a signature symbol of Scottsdale.

- 4) Please share any other thoughts....

**Thank you for spending time to give us your thoughts!**  
You can also email your comments to [kevinv@scottsdalearts.org](mailto:kevinv@scottsdalearts.org).