

**MINUTES**  
**JENSEN-OLSON ARBORETUM ADVISORY BOARD**  
Zoom Webinar | Wednesday, May 11, 2022 5:15 P.M.

**I. Call to Order at 5:17 pm by Nell McConahay**

**Present:** Nell McConahay, Paulette Schirmer, Patricia Harris, Rose Evans, Peter Froehlich, Ed Buyarski, Kristin Bartlett, Deborah Rudis

**Absent:** Sarah Dolan

**Staff Present:** Ginger Hudson, Arboretum Manager; Lauren Verrelli, Staff Liaison

**II. Agenda Changes – None.**

**III. Public Participation on Non-Agenda Items – None.**

**IV. Approval of Minutes –**

- A.** Wednesday, February 2, 2022: P. Schirmer moves to approve minutes, no objection.  
*Minutes adopted.*

**V. New Business – None.**

**VI. Unfinished Business –**

**A.** Commercial Use Policy & Administrative Supplement

M. Elfers: We're going to start with the administrative supplement. We have Margaret Custer here with us from SEAL Trust and she is going to present the final admin supplement. You saw a draft in the last year and made a motion of support. The draft went back to SEAL Trust. A couple tweaks were made but I don't think any significant changes. I'll let Margaret present what they've done.

M. Custer: The administrative supplement was included in the packet. The supplement is a broad blanket interpretation that we put in writing so that the Arboretum and CBJ don't need to come to the land trust for approval of minor activities. It's a land trust document so it doesn't need to be approved by this body but we would like you to accept it and be in agreement. The conservation easement is the legally binding document that was signed many years ago by Caroline Jensen. It's now in place with CBJ as the landowner. Caroline Jensen also signed an agreement with CBJ outlining the donation of the property. The intent behind the supplement is to reduce the amount of approvals going back and forth, such as garden management educational activities and commercial activities. The conservation easement specifically prohibits use by for profit tour groups, CBJ cannot lease or allow use by these groups. The easement does permit access to individuals, small noncommercial, nonprofit groups, universities and school groups. CBJ may allow other commercial activities on the property that relate to the operation of the Arboretum, such as a gift shop. We are providing general approval and case by case approval. We can provide general approval for nonprofit organizations. If there's a question that arises as to the consistency, crossing the line from nonprofit to for profit, we might need to be consulted on it. Either we approve a package of regulations and policies as they relate to for profit activities or we do a case by case approval for each activity. The general guidance outlined in the admin supplement is that we encourage CBJ to develop commercial use regulations and policies that would allow for blanket approval of commercial activities without case by case approval. Including for profit activities, as long as they are not for profit tour groups. We encourage CBJ to charge or set a fee for allowed entities and activities like educational programs fundraising events, commercial filming and photography, commercial transportation to

the property excluding for profit tourism. All net proceeds from any fees must be deposited into the arboretum support fund. CBJ can elect to waive these fees. Any questions?

M. Elfers: A question that arose from decisions with our attorney was a commercial use application fee that is separation from the use fee. SEAL Trust agreed that the application fee does not have to go to the endowment fund because it's intended to pay for administrative services. The application fee could stay with the department to cover those costs.

M. Custer: Yes, that's my understanding as well.

M. Elfers: I wanted to remind everybody that this is for commercial activity, not for events. A wedding is an event, generally you do not pay to go to a wedding. Commercial activity is a transaction happening, payment for services.

P. Harris: Michele, do you see any problems conflicting with the commercial use policy the city is developing?

M. Elfers: We've been working with SEAL Trust and I'm really happy with it.

E. Buyarski: I motion to approve the admin supplement.

P. Froehlich: I second.

N. McConahay: Anyone opposed to the motion? No objections, motion is approved.

M. Elfers: We have been working on a whole department commercial use policy, it's a big policy and has been held up in our law department. With this admin supplement we can work within our current policy. Within the last year the board saw the policy and made a motion of support. Since then Krista from SEAL Trust sent us some great comments that were really helpful. My plan is to continue to work on that policy with George and Ginger. It's not going to change dramatically but it will have some proposed fees for you to look at. We will work with SEAL Trust and the fees will be reviewed by the department, manager's office and this board.

## **VII. Committee Liaison and Staff Reports**

### **A. Chair Report:**

N. McConahay: Deborah Rudis presented the Annual Report to the HRC on February 28<sup>th</sup>. Thank you Deborah.

### **B. Manager's Report: *Included in packet.***

E. Buyarski: Could you share the name of the volunteer doing the cover over the bench?

G. Hudson: Bill Elhers who previously built the arbor.

### **C. Friends of JOA:**

P. White (Friends of JOAAB) - We are going to have a first Friday event at the City Museum on July 1<sup>st</sup>. The symphony will play from 4-7, we'll have a docent for questions and refreshments. For the Art in the Garden installation we've had 10 submissions from artists, totaling 13 or 14 pieces. It's a juried show with prizes. We are having an artist reception on June 16<sup>th</sup> to meet the artists. The video project Ginger mentioned in her report, one is an educational video on the primula collection and the other is to replace a dated video on our website. Alaska Public Gardens day is May 28<sup>th</sup>, we'll have refreshments, cookies and all that stuff.

P. Harris: We did hire an educational coordinator for kids programs at the Arboretum. The educational programs on are calendar: nature sketching on June 12<sup>th</sup>, bug day in July and perhaps a beach day in August.

### **D. Other Business: None**

**Adjournment – 5:48 pm** *Having no further business before the Board.*

Respectfully submitted by Amanda Babin, Parks & Recreation Administrative Assistant I, 08/08/22.