



The Breeze of Park Point

Upcoming Events

Lafayette Edible Garden Club

Learn to make seedbombs
Thursday, March 12th
6:00 p.m. to 7:00pm

Potluck Dinner
Sunday, March 15th
5:00 p.m. to 7:00 pm
Lafayette Community Center

Park Point Community Club Meeting

Thursday, March 19th
Special T2 Meeting at 6:00 p.m.
Social at 6:30 p.m.
Regular Meeting at 7:00 p.m.
Lafayette Community Center

Park Point Garden Club

Thursday, March 26th at 7:00 p.m.
Contact: Harriet Meagher 722-6762

The mission of the Breeze is to serve the community by:

1. Publishing the minutes and financial statements of the Park Point Community Club.
2. Informing the community of upcoming meetings, events, happenings and projects.
3. Providing a forum for Park Point residents to air their concerns.
4. Sharing the history, stories and anecdotes that make Park Point a unique place to live.

Does Something Smell Fishy On Park Point?

“It May Not Be Smelt..... this time.”

If you are as confused about the, public access, street-end, “S” curve, recall, messy issue called the *Park Point Small Area Plan*, as I was, then the City of Duluth and local hearsay has done its job on you too! If you want to hear what I was told by City officials and what I dug up on my own, in fewer pages than a Michener novel, then this article is for you. I will warn you now, it’s not short or sweet, but, there won’t be a test at the end... most likely.

On February 23, 2015, I met with District 3’s City Councilor, Sharla Gardner. I asked if she would be willing to help me understand the following questions:

- What prompted the Park Point Long Range Small Area Plan initiative?
- What types of community benefits and physical improvements to Park Point were presented to the community prior to the City’s approval of the Plan?
- What involvement did the community have in the approval process?
- Once the Plan was passed and approved in 2014 by the City Council as Resolution 14-0262R and 14-0476R amended, what types of benefits and improvements remained in the current Plan?
- What City departments were involved and what contributions did they make to Plan’s development?
- In 1990, Resolution 90-0191R was passed; it confirmed the City’s policy of allowing open public water/beach access from all street-ends on Park Point and specifically, platted, paper-street sections that lead to the lake or bay, it set a City precedent to discourage the vacation of public Park Point property to private ownership, and asked for City Planning to increase enforcement of private encroachment violations on Park Point. What prompted such a reversal in the City’s access policy and current willingness to vacate public land on Park Point in 2013?

Councilor Gardner explained to me that after the 2006 comprehensive long range plan for Duluth was approved, she received many calls from Park Point residents concerned about: The island’s infrastructure, {especially the aging sewage waste system due to inadequate capacity and lack of integrity}, traffic management, zoning for unwanted development, access/street-ends confusion, improved public signage, and better way-finding for visitors. In 2012, Councilor Gardner responded when funds became available that supported several *Small Area Plan* projects. She asked City Planners to move Park Point up in the queue and make it the first of several scheduled. Councilor Gardner said, “My requested plan was only to include Park Point’s north section, from the Aerial Lift Bridge to just past the “S” curve.” This was approximately 9 blocks and was to include the island’s commercial waterfront district. She then said, “Planners returned with a Small Area Plan for the entire island.” Councilor Gardner confided in me that she thought this Plan was too ambitious at the time and she feared it would create more divisions in the community.

Continued on page 10

The Breeze

Editor: David Bacchus

Submissions for the April issue are due by Friday, March 27th.

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Park Point Community Club

P.O. Box 16326

Duluth, MN 55816-0326

From the PPCC President

Hi Neighbors,

Lafayette was a busy place at 10:30 a.m. this past, calm & sunny, Saturday morning.

While the PPCC youth committee was holding a summer program planning meeting downstairs, an enthusiastic group of about fifteen impromptu volunteers were busy with early spring cleaning and an improvement project upstairs at Lafayette.

The City of Duluth's facilities supervisor contacted me last Thursday and gave the green light to refurbish the maple flooring upstairs at Lafayette. Due to the quick response by a great group of volunteers, the floor preparations requested by the City crew were completed by early afternoon on Saturday! All of the tables and chairs were stowed, the stage moved, and the entire floor was lovingly swept, vacuumed and scrubbed. If all goes as planned, you check out the gleaming new floors, on your way to the cookie platter, when attending the special meeting at 6:00 p.m. on March 19th to discuss the Tier 2 Access study. Special thanks to Pamela Page, Tari Rayala and Joe Miller, from the City of Duluth, for their care and work in preserving our old Radisson Elementary School and our other community treasures. I'll try to post a few photos of the project on our PPCC website soon.

Have you been down to the beach lately? You'll see a lot of ice fishing action on the bay, out from Sky Harbor and around Wisconsin Point. The blue ice stacks and pile-ups on the lake are awesome! I hope you had a chance to check them out now that the temperatures are higher and the wind has relented. Walking over to the beach and experiencing the spectrum of colors during these sunnier days has been awesome despite the wind-chill. I try to fool myself by theorizing that the very cold air from the north, while on my sunrise dog walk, is actually accentuating the visual experience. Right.....

I hope to see you at the special meeting on March 19th at 6:00 p.m. to discuss the Tier 2 study. The meeting will be followed by a presentation on the new Rowing Club building during our regular Community Club meeting at 7:00 p.m.

Kindest regards,
Dawn & Klaus (canine companion)

2015 Park Point Rummage Sale

Friday and Saturday, June 12th and 13th from 8:00 a.m. to 5:00 p.m.

This is my first year as Rummage Sale Coordinator. I have been assisting Charlene for several years and I hope for a seamless transition. I offer my personal thanks to Charlene for her many years of community service as coordinator.

So far, everything is going well. We will run some ads in the Duluth News Tribune beginning in May. Port-a-johns are all scheduled and ready to go. (no pun intended)

Now would be a good time to start going through the house, attic & garage and start organizing and affixing price tags to your sale items. Once the weather breaks (if) it is easy to get caught up in yard work, gardening, and other chores. Please don't wait until the last minute!

Dave Lavamaki, Rummage Sale Chairperson

If you have questions please contact me at (218)-729-8925 or pointer12q.

“ON THE BEAT” with Officer Lindberg

Early one morning in the summer of 2011, I was working as a Patrol Officer in the Lincoln Park neighborhood when a homeowner on Park Point called 911 reporting someone had just damaged his vehicle and broken into the garage. The suspects were scared off and took off running from the homeowner. A description was given of the suspects and squads were able to arrive and locate the suspects. Stolen items were recovered and the bad guys went to jail. Squads were able to get to the area rather quickly (within minutes), but there was one factor that really helped us to do our job that night: the witnesses who saw and obtained descriptions of the suspects.

I am often asked by citizens, “How can I help the Police?” So I thought I’d share a few things that really help us to help our communities.

First, “Be a Good Witness.” Park Point is a unique neighborhood and the residents take great pride in it. Part of that pride should include keeping an eye out for suspicious activity. In the above instance, the homeowner heard the car alarm, saw two strange people in the driveway, and immediately reported what they saw. Two other witnesses observed two males running through yards, dressed suspiciously, in the early morning hours. They recognized this wasn’t normal behavior, and reported what they saw to Police.

A good definition of suspicious activity is, “when a person’s conduct or action does not fit the normal day-to-day activity of our neighborhood or an occurrence that is out of place and should not be happening in our neighborhood.” I often tell people to “trust your gut instinct.” If something doesn’t seem right, it probably isn’t.

So how can you be a good witness? Observe. Nothing more, nothing less. If the activity is stemming from a person or a vehicle, try to observe any distinguishable details such as:

- Clothing color and style.
- Vehicle make and model, color, license plate and number of occupants, etc.
- DO NOT try to make contact with someone or intervene.
- Call 911 immediately and report your observations to Police.

There is a way you can become more involved in the neighborhood by becoming a part of the Citizen’s Patrol. The Citizen’s Patrol is a group of like-minded volunteers who serve their community by being the eyes and ears of the Duluth Police Department. Community members “patrol” their neighborhood by foot, vehicle, or bike and report any suspicious activities to the Police Department. Currently, Gary Glass is trying to start the Citizen’s Patrol group on Park Point. Not only is this a good way to be out and about observing, it is also a great way to get to know others in the neighborhood. For more information on being a part of the Citizen’s Patrol, contact Gary at 218-391-4242. REMEMBER- If you observe something unusual or think something looks ‘wrong’, please report it immediately. It helps keep the neighborhood safe, and it sends the message that crime isn’t welcome in the neighborhood!



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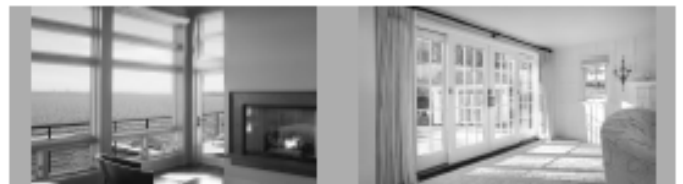


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Lafayette Community Edible Garden News

At our March 15th potluck we will welcome local celebrity gardener Francois Medion. Born and raised on a small family farm in southwest France, Francois has been working in the United States for the past 30 years, transitioning from the restaurant industry to outdoor occupations as a landscaper and gardener, bringing him back to his roots. Today he is the farm manager at the Duluth Grill, setting up an innovative aquaponic system that provides the restaurant with year-round fresh vegetables and fish. Francois' talk will focus on growing a resilient garden that is nurtured as organically as possible.

If you have any questions about our monthly potluck dinners or community garden, call Cornelia, 722-7862.
Upcoming Events

- Thursday, March 12th - 6:00 p.m. to 7:30 p.m. - Learn to make seed bombs at the Duluth Public Library, contact the Duluth Community Garden Program for more info, 722-4583.
- Sunday, March 15 - 5:00 p.m. to 7:00 p.m. - Monthly potluck dinner and program.
- Sunday, April 19, 5:00 p.m. to 7:00 p.m. - Monthly potluck dinner. Speaker is Master Gardener Richard Boen who will talk about seed starting.
- Monday, May 18, 6:00 p.m. to 8 p.m. - Monthly potluck dinner. Our speakers will be Park Point members of the Master Gardener program, Denny Johnson and Joanne Ellison. They will discuss how to get gardening questions answered, lead a discussion on container gardening, and creating an edible landscape.

Park Point Garden Club- - Enjoy Indoor Flowers from Bulbs

There are two ways to enjoy flowers from bulbs: in the garden and in the house. Some bulbs need to chill while bulbs such as paperwhites (pictured – note the support device) and amaryllis do not. These bulbs are native to warm climates so they don't require a cooling period to trigger blooms. Bulbs that require cooling are tulips, crocus, and hyacinth. Here are some tips:

- Indoor bulbs look best in a shallow, wide pot, with drainage, and that is 4" to 6" deep.
- Use a standard potting mix. Allow 2" below the bulbs for root growth. The very top of the bulbs can be even with the pot's rim.
- Bulbs look best when crowded in the pot (1/2 inch apart).
- It's good to stick with one variety of bulbs per pot because cooling and bloom times vary.
- Water thoroughly after planting,
- Label each pot with variety name and planting date.
- Once planted, the cooling begins. Keep the pots of bulbs moist and store them in a cold basement at 35 to 45 degrees for the entire period of 16 to 18 weeks (www.gardeners.com).

You may not find bulbs in local stores but you can order them online such as www.whiteflowerfarm.com. Paperwhites that are forced to bloom in a pot rarely flower in a pot again because the process is too stressful. After the foliage has died and the bulbs have gone dormant, you can transplant them outside in a sunny, well-drained bed after frost danger. The next Garden Club meeting is Thursday, March 26, at 7:00 pm. New members and visitors are welcomed. Please call President Harriet Meagher, 722-6762, for more information.

Park Point Breeze Ad Rates

2" x 3" \$10 per month / \$100 per year
4" x 5.5" \$30 per month / \$300 per year
8.5" x 5.5" \$60 per month / \$600 per year



Park Point.....Naturally!

I am very much aware of the harm than can result from “rumor mongering” but willing to run the risk of being labeled as a purveyor of a rumor, doing so in the interest of history. The rumor arose when speaking to Harriet Meacher about the history of the city-owned triangle of land on the lakeside of the S-curve. She’s the president of the Garden Club and, as a decades-long resident of the Point, knows a great deal about its history.

In the course of our conversation, she asked me whether I had ever heard anyone talk about the possibility of the pavement at the curve being laid over the top of a cemetery! I had not but was eager to hear more. Harriet emphasized several times that this was unverified information but that it had circulated over the years. I have tried reaching someone in public works who might be able to shed light on this rumor but the robotic phone system (something I despise) forced me to give up in frustration.

If there is someone among the readers of this column who knows whether the story is true or false, please call me at 727-4554. Meantime, I’m planning on relating other interesting information next month I learned from Mrs. Meacher regarding the curve’s past.

Did you know that we have unrestrained tigers on the Point...and that they live almost exclusively on the lakeside? I say that because this species must have loose sand to hunt successfully. They have a voracious appetite. This species however has no interest in humans: only ants and other small insects. It’s a beetle and it has the unique ability to create a sand trap shaped like an inverted funnel!



When a foraging ant walks too close to the rim of the pit, the grains of sand respond like ball bearings and the insect rolls helplessly down the incline and right into the jaws of the patient predator below! Another bit of trivia I’m sure you always wanted to know...but not very much.

Except for the most recent residents of the Point, most everyone is aware of or has visited the crumbling remains of Duluth’s “oldest remaining architecture.” For a period of twenty years (beginning in 1858), the light on top of this structure projected a beam over Lake Superior to aid in safe navigation into our harbor via the Superior entry. The Duluth ship canal didn’t exist at that early date. Living quarters were built for the lighthouse keeper. He or she would have had to travel a long distance by horse or by rowboat to get groceries and other supplies.

The site of the lighthouse still has historical significance. It served as the “zero point” for all surveys done on Lake Superior. (The French-made lenses were removed and installed on the west pier lighthouse at the Superior entry and continue to cast their rays to this day.)



Copy by Glenn Maxham with technical assistance from Anita Neinstadt

Community Information

Dick Gould will be picking up 300 trees on May 14th and will need volunteers to help plant them that weekend and the following. If people want to help plant they can contact me at 727-4067 or 348 3768 or by e-mail rpgould@charter.net.

We plan to plant on Hearding Island, 12th street area, the bayside area of Southworth Marsh and just past the Beach House down at the end.

If someone has another area idea we will look at it.

PPCC January 2015 Minutes

The Park Point Community Club meeting was called to order at 7:00 p.m. on February 19th, 2015 by Club President Dawn Buck. Guests were introduced.

GUESTS:

Sharla Gardner (3rd District City Councilor) and Keith Hamre (City of Duluth Planning Dept.) reviewed Pontliana Woods and government entities involved. Much coordination is required and they are trying to be sure groups are working together and know the history. Sharla walked the area with Gay Hooper and said it certainly appears to be a wetlands area. Sharla Gardner and Keith Hamre also discussed the Tier 2 Access Committee. The committee will also include:

- John Schmidt, Parks Commission Member.
- John Vigen, Land Use Consultant.
- An environmentalist to be determined.
- They also want a volunteer from Park Point Community Club and one from the Street End Coalition.

After meetings during the past year, the focus will narrow to examine “Tier 2” access that has been designated by the City for improvement or select alternate access points based on study results, determine potential environmental impact, and define the improvements required to dedicate for public use. Meetings will begin in March 2015. If interested in participating or have questions, contact Keith Hamre at City planning. The ad hoc Community Club street end study group will be presenting their findings at a future Club meeting. Thank you in advance, to the volunteers moving forward with the committee.

Community Officers Craig Lindberg and Amber Peterson were present and gave a brief update on Park Point. They said crime was reduced this past year and partially due to the Park Ranger Program that was active in Canal Park, Park Point and included more beach patrols. They will be here again next summer and scheduled to patrol from 4:00 p.m. to midnight. Officers Lindberg and Peterson asked that we call 911 if we see suspicious activity.

Mike Sawinski, Duluth Superior Sailing Association, gave an updated presentation on the proposed development of two projects. One is at the end of Park Point by the public boat ramp, and the other at 13th Street on the bay. They want to make water sports and recreational activities more available to the public and are seeking more space and better facilities. Tom Griggs made a motion that the PPCC continue to support both projects. Ted Buck seconded the motion. All approved and the motion carried.

Secretary’s Report:

PPCC needs a new secretary; please contact Dawn Buck at parkpointcc@gmail.com if you would like to become the PPCC secretary.

January 2015 Meeting Minutes - A motion was made to approve the minutes as they appear in the Breeze with one correction about the Radisson school. Al Robins made the motion and Tom Griggs seconded the motion. All approved. The Radisson school is actually 110 years old this year and not 100 as reported.

Treasurer’s Report: Presented by Al Robins.

Ms. Marcia Hales sent a thank you card for our financial contribution to help defray the cost of her Christmas light display.

February 1, 2015 – Club balance was \$59,501. The Art Fair/Festival has a separate account for this year because grant funds must be accounted for separately from PPCC funds. Next year Art Fair will once again be a Club income generator.

Youth Program will continue to be part of PPCC funds, with the addition of a City grant and parents pay.

COMMITTEE REPORTS:

Breeze – David Bacchus, Editor.

David got his first issue of the Breeze to us in February. It's a big job!

Volunteer is needed to keep up with people who do not want Breeze delivered to their house. More community feedback and submissions requested. ppbreezeeditor@gmail.com

Sunshine Committee – Pam Griggs

Get well card was sent to Bruce Rutherford and sympathy card sent to Dennis Hoelscher as his sister Carol recently passed away.

Hospitality Committee

Ted Buck filled in for Diane Gould. Oatmeal and chocolate chip cookies—yummy!

Watch Committee – That's all of us

Dennis Hoelscher said his report on Fire Emergency Services is on PPCC website under "Documents of interest". A future meeting might include fire and medical services available in our area.

Environmental Committee

Gale Kerns made a motion that \$500 be spent to purchase trees for spring planting. Dave Johnson seconded. All in favor. This was the second vote.

Sky Harbor Airport - Brian Madsen, Airport Manager, said the airport was looking for ways to provide food and beverage items to employees, customers, and pilots. Nothing was firm at this point and they were just exploring options.

NEW BUSINESS:

Financial Review Committee needs volunteers to determine that accounting books are in compliance.

PPCC secretary, Deb Strange, resigned. Volunteer needed for secretary. Please consider this important position.

Pamela Page, Duluth Parks & Recreation Specialist

Ms. Page told us about current activities and programs in Duluth. She said our Youth Program is well respected in the area. She will also check on the status of our request for floor revitalization in upper Lafayette.

Dave Johnson commented on Pontliana Woods and agrees that City, County, and State governments are involved. Dave said it is important that we all stay informed and aware of the land's status and this is one of the few green-spaces remaining on the Point that could fall to development. If anyone has photos of Monarch butterflies, milkweed, or the Pontliana family then Dave would like to review them and may help to preserve this important area. November 2014 Breeze article about Pontliana Woods is on the PPCC website under Breeze archives.

Denette Lynch, West Duluth, is on the committee which helped turn unused and unmaintained property into Observation Hill Dog Park. Her committee would like to find additional locations and possibly considering East Duluth and the end of Park Point as potential sites so that people can take their nice doggies to unleashed areas. Duluthians have expressed interest in a dog park where dogs can swim. Anyone interested in volunteering or in need of more information can contact Denette at duluthdogparks@yahoo.com.

The next PPCC meeting will be Thursday, March 19th, 2015 at 7:00 p.m. Tom Rauschenfels will give an update on the Duluth Rowing Club. A special meeting to discuss the Tier 2 access study will be held before the regular meeting and will begin at 6:00 p.m.

Dave Johnson made a motion to adjourn the meeting. Dennis Hoelscher seconded. ALL AGREED!

Submitted By,

Pam Griggs

Who only came to the meeting for cookies!

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Something Fishy continued....

Councilor Gardner told me that the Small Area Plan was developed by City Planner Keith Hamre and included input and recommendations by City Parks and Recreation, the City Attorney, the City Council, various Commissions, and community members. She told me that she had complete confidence in their professional abilities, believed they were functioning within their departments' rights, and were working for the good of the community in accordance with the City's mission. However, Ms. Gardner did mention to me that she did not think the way the plan was presented to the Community offered the best opportunity to visualize the concept, and for the City to gain Plan support.

Councilor Gardner described to me the original vision as she understood it. The focus of the Plan included the physical infrastructure improvements such as: Increased capacity of public utilities, buried power lines, street and public access improvements, beautification, and dedicated bike lanes from the bridge to just south of the "S" curve. It also addressed traffic management, parking, signage and pedestrian safety concerns. Southbound traffic would have been redirected from the bridge to a one-way Minnesota Ave and along the waterfront business district, then rejoin two-way traffic at a decorative roundabout, where the "S" curve is now. Northbound traffic would have been one-way on Lake Ave from the proposed roundabout to the bridge, and included ample resident parking and bike lanes. Decorative street lamps and a fountain in the roundabout had also been a possibility. Ms. Gardner then informed me that this part of the Plan was, unfortunately, no longer in the City's approved version.

She told me that members of the Park Point community, including at least two prominent local developers that own several properties on Park Point and within the project area, were vehemently opposed that the City needed to purchase 3 or possibly 4 private homes, by exercising Eminent Domain, before the City could implement the Plan.

They also argued:

- That the changes to the "S" curve and diverting traffic was unnecessary.
- That the cost of the project to taxpayers too great.
- That the largest benefactor of the project would be new businesses on the waterfront and visitors, and not the community and its residents.

Ms. Gardner explained that this 200 or so member group aggressively lobbied the City Council and their efforts successfully convinced a majority of the Council to not approve the Plan until this part was removed. She continued to inform me that members of this group also launched an unsuccessful campaign to recall her last election in an attempt to have her removed from office. She said she still had about a year before the end of her second term. When asked what substance remained in the currently approved Plan, Ms. Gardner said "the zoning changes that protect the community against unwanted development, public park improvements, and solving the public access problem." She continued, "The Parks and Rec. department will be working to improve the existing city parks, but no timelines or specific improvements to be scheduled are available to me at this time. It will also be dependent on the Parks and Rec's department budget."

Councilor Gardner said it was her understanding that the 1990 resolution only defined the City's 'intent' to allow public access but, without 'improvements' to the street-ends, they could not be considered legally open to the public. Part of the *Small Area Plan* addressed this problem and created 16 'improved' public access points to the lake and bay via street-ends that would be open to public use when finished.

When I asked her what had changed since 1990 that would require such a drastic change in policy, Councilor Gardner told me that: Property values had increased dramatically, larger houses had been built, more protections were needed for unwanted development, more tourist and visitors were using the recreation areas, and residents requested more privacy. I then asked her why more public access wouldn't be required. Ms. Gardner explained that currently and until the Tier 2 public access streets were 'improved' that there were not any public access points legally open and available to the residents of Park Point or the general public via unimproved street-ends and she wanted to change that. When I asked if the City had followed the DNR's requirement to notify and receive authorization from the Commissioner of Natural Resources before a street that abuts navigable water could be legally described as "useless" and subject to vacate by a city, Ms. Gardner referred me to City Planner Keith Hamre for more information. When I asked Ms. Gardner to look at the Plat maps that I brought to our meeting that clearly showed the paper-streets ending beyond the high water marks on the lake side, she said she didn't know that the paper-streets extended that far and would look into it.

At the PPCC February, 2015 meeting, Councilor Gardner and City Planner Keith Hamre informed the Club that any street not chosen for a Tier 2 access location may be subject to vacation if initiated by the adjacent land owners of a Park Point street-end and approved by the City Council.

Beginning in mid February of 2015, Planning Director Keith Hamre explained to me through several emails that a platted but unimproved portion of a street right of way is considered by the City to be a 'street-easement', equally split by and under the control of the adjacent land owners until the city decides to 'improve' the easement and dedicate it to public use or approve vacation to permanent private ownership. He also explained that it was the Planning Department's position that the 1990 resolution only showed the City's 'intent' to open all Park Point street-ends for public use and it did not legally permit public use of the paper-streets because they were never 'improved.' When I asked what legislation identified this requirement, Mr. Hamre suggested that I contact the City Attorney to locate the legal opinion from 1989 by former Asst. City Attorney John Smedberg that addressed paper-streets. Mr. Hamre also told me that the platted but unimproved streets on Park Point were not dedicated to public use on the original plat maps and the intent of the, platted, paper-streets were to provide access to future development and not for dedicated use by the public to access the beach or bay. When I asked Mr. Hamre if the City had followed the DNR's requirements and received approval from the Commissioner of Natural Resources prior to the City's intent to vacate any public street that abuts navigable water, Mr Hamre said, "I will look into it."

On February 26, I went to the City's Parks and Recreation Department. Director Kathy Bergen explained to me that in 2013 when City Planning asked City Parks and Rec. to provide public access recommendations for the Plan that street-end access points would require 'improvements.' They were also informed by Planning that a conforming improvement could include: Garbage service and regular clean up, signage, trail improvement and maintenance such as woodchips and possibly handrails, necessary fencing and foliage for screening and resident privacy, to name a few and that the expenses would come out of the Parks and Rec. budget. Ms. Bergen went on to tell me that Parks was under the initial impression that all the street-ends on Park Point were already open to the public to access the beach and bay, but under the Plan's requirements of improvement, she did not have the budget or personnel available to improve all 60 Park Point street-ends. She continued to tell me that this is how the Tier 1 and Tier 2 public access recommendations from Parks and Rec. began. The Tier 1 locations were the 6 existing city parks on the Point and Tier 2 were to provide the required improvements to allow public access on every other street-end. Ms. Bergen said, "This would have been tight on our available resources but possible." She also told me that the Planning Department further reduced the number of their recommended Tier 2 access streets to about half again and settled on a total of 16 out of 60 available. This provided 8 street-end public access points on the bayside and 8 on the lakeside of the island approximately 4 blocks apart.

When meeting with Mr. Hamre at his office on February 26th he told me that he had recently found a "loophole" in the 'improvement' requirements and all that was now required to make public access legal was to install a small medallion or marker located at the beginning of a dedicated street right-of-way (ROW). Mr. Hamre also explained that the paper-street access model and policy set forth in the Park Point Plan will be the template used for other City Small Area Plans currently scheduled and could affect public access to water throughout Duluth by way of a street-easement. He also confirmed to me that property owners were being encouraged to apply for concurrent use permits and if approved, they could be in compliance with previously unenforced encroachment ordinances and violations.

February 26, 2015, I met with City Attorney Gunner Johnson. I asked if he could help me locate a legal opinion about the 'improvement' requirement that Mr. Hamre was referring to and anything since 1990 that could legally support such dramatic change in the City's policy of open public access on Park Point street-ends since 1990. He was kind enough to meet with me in person, even though I did not have an appointment, but he did not have the information readily available. Mr. Johnson assured me that he would look into it. On my way out, I requested a copy of the Sandberg opinion and received it via email the following day by City Paralegal Kathy Amborn. Two were available. One was from 1999 and the other from 1976. Nothing was available from 1989 that Mr. Hamre referenced in our meeting.

I contacted our Community Police Officer on February 27th to ask about any enforcement ordinances that may apply here. Officer Lindberg said, "The peaceful public access to the beach or bay by way of unimproved street-ends on Park Point is currently not a Duluth Police matter and all questions or concerns should be directed to City Planning at this time."

Once I discovered the City's position, I needed to find documentation to support their actions because the City was not forthcoming with my requests for the materials. So, I put on my dilapidated overcoat, invented my best Colombo impersonation, and went sleuthing. Although my initial search was to locate documentation supporting the City's actions in this matter, what I have found so far is anything but:

- 1990 – Duluth City Council passed Resolution 90-0191R, “Adopting A City Policy For Park Point Streets Rights-Of-Way.” Then Councilor Frank Jewell specifically stated in this resolution that, “the Duluth City Council will continue to discourage vacations of and the placement of structures in public rights-of-way on Park Point in order to preserve lake and bay vistas, lake and bay access for both residents of the Point and other Duluth citizens, prevent overcrowding, provide visual relief from the continuous rows of buildings along the avenues and to provide for future utility needs.”
- April 7th, 1999- The Smedberg legal opinion Mr. Hamre referenced, and was suppose to defined the requirement of an “improvement” to authorize public use of a paper-street, turns out to be an Inter- Department Correspondence that pertains to “an unfortunate misuse of the term condemnation” in an opinion he wrote in 1976 about the public use of paper-streets in Duluth. Mr. Smedberg also writes that he had used this opinion and handed it out to the public for over 20 years because he thought it did a good job of explaining the public vs. private use of paper- streets. Mr Smedberg concluded the correspondence by citing the most recent case on a street- end issue, (Minn.App 1997): “The Court of Appeals seems to be saying that a platted easement may be opened as a public roadway by public use alone and against the apparent wishes of the City. This is not a Minnesota Supreme Court case, however, and it will be interesting to see what happens when the Supreme Court faces this issue.”
- 2004- City Council denies a full vacation request of the paper-street leading to the bay at 27th Street and Minnesota Ave. Council reaffirms its policy of public access to water by way of platted, paper-streets on Park Point and cites Resolution 90-0191R as their reason for vacation denial. Partial vacation was granted but with explicit conditions that public access could not be impeded.
- 2005- City Council grants partial vacation of paper-street on 18th street lakeside. Recorded Torrens legal description on file at the St. Louis County Recorder office included Duluth Council Resolution 05-0422, adopted Aug. 22, 2005, and specifically states that “Pedestrian access to the shore is preserved (reference Planning Commission file No. 05044).”
- 2008 – Minnesota Supreme Court Case, Bolen v Glass. While this case does not pertain directly to public access to undeveloped platted streets, it does still have relevance to the issue. The opinion states that a private person does not have the authority to ‘improve’ a platted public street, even if the City provides a permit to do so. Several examples of this rule not being enforced by the City can be seen on Park Point where private individuals have ‘improved’ street- ends in an attempt to impede or completely block public access by way of a public street.
- June 12, 2013- Parks Commission submits Resolution for Park Point Small Area Plan that states, “It should be emphasized that the Parks and Recreation Commission does not endorse street- end vacations of City property to Park Point residents. It is not possible for this Commission, nor the Small Area Planning Process, to anticipate access needs in the future, therefore the long- term future access, as well as current and projected near term access, must be safeguarded by this process.”
- February 27, 2015 - While at the County Recorder office, I located Plat Book H, 1902, Oatka Beach Addition. This is roughly the southern 1/3 of Park Point. The Plat clearly states that the paper-streets leading to water are “dedicated to public use.” I was informed by the County Recorder that the Upper and Lower Duluth plat maps (the rest of Park Point) imply the same because the streets are drawn extending past the high water mark of the day and that the plat makers didn't always write on the plat maps what they thought was obvious in 1891. This changed in the early 1900s.
- March 2015 - The City had not yet produced evidence that the Commissioner of Natural Resources had been involved and approved the City's desire to label any paper-street that abuts navigable water as “useless” (in the legal sense) and allow to be vacated permanently to private ownership .

The optimist in me wants to believe that our elected officials and Department leaders have our community's best interest in mind and are thinking about our City's future when making long range policy. The cynic in me says this would be a good place for a Howard Zinn quote: "History can come in handy. If you were born yesterday, with no knowledge of the past, you might easily accept whatever the government tells you. But knowing a bit of history – while it would not absolutely prove the government was lying in a given instance – might make you skeptical, lead you to ask questions, make it more likely that you would find out the truth."

Perhaps the following questions still need to be answered:

- Is the City of Duluth protecting or infringing on the public's rights with this Plan?
- How can the City have a formal public access policy for 25 years and now act like it never existed?
- Why hasn't the City produced legislation that supports and authorizes their recent reversal of access policy and to now have a policy to give away public waterfront property, traditionally used for public access?
- Does this Plan, in its current form, satisfy the needs and desires of most residents and Duluth citizens?
- Does this Plan consider and satisfy future access needs on Park Point?
- Does the Point's infrastructure have enough integrity to last another 20 years or the capacity to accommodate the future commercial development already planned for the Island?
- Now that Mr. Hamre has found the "loophole" in the improvement requirements, does Parks and Rec get to make new recommendations, and will this allow more than 16 streets to be considered for Tier 2 access now that improvement and maintenance expenses and Park and Rec's responsibilities would be drastically reduced?
- Can we help City Planning see the uniqueness of every neighborhood in Duluth and ask them to stop applying a "one size fits all" approach to Small Area planning?
- Why hasn't the City enforced encroachment violations, established rules to create peace and uniformity among residents and visitors, and worked to solve existing problems before creating new ones?
- Was it possible to create an effective Plan that did not have to use Eminent Domain?
- Are you aware that over 150 Park Point property owners living at the street-ends will have the option to apply for a vacation of their public street-easement and if approved, never be available for public use again?
- Did all members of the City Council and the Mayor have all this information when they approved this Plan?

If something smells a bit fishy to you too, then, might we want to do something before it spreads city wide and before our eclectic island community silently becomes another Ft. Lauderdale?

"I may not keep you happy, but I'll keep you informed."

David Bacchus, Editor
The Breeze of Park Point
ppbreezeeeditor@gmail.com

Special Meeting on Tier 2 Access. March 19, 2015 at 6:00 p.m.

A special meeting has been requested by the members of the informal Park Point Working Group which is made up of about a dozen volunteers who have been meeting over the past 5 months. The special meeting will include a presentation of findings from the group and research gathered by David Bacchus, Breeze Editor. After the presentation, volunteers who are willing to participate in City Planning's Tier 2 Study Group and report back to the community club will be identified.

On July 17, 2014, club volunteers came forward after PPCC membership resolved "to hold a special community club meeting to discuss and gather information on legal issues on street ends." Due to summer vacations and school starting, the Special Meeting was held during the regular September PPCC monthly meeting. This special meeting was not successful in achieving any rational discussion on street ends. Since the September meeting's objective was not met, more volunteers came forward to continue the process. The larger group of volunteers has been meeting for several months.

Fate of Pontliana Woods Still Uncertain.

submitted by Dave Johnson

Recent actions by the St. Louis County Board have kept the fate of Park Point's Pontliana Woods in limbo, even as momentum for protection and formal dedication of the woods continues to build throughout the community. By a split vote, the Board voted to place the documented 6-acre wetland up for public auction in June. Frank Jewell, Commissioner for the district that includes Park Point, voted against the sale, and recommended to community volunteers who attended the board meeting that they continue their work for protection, despite this setback. This encouragement was echoed later by both City Councilor Sharla Gardner and City Planner Keith Hamre at the February Park Point Community Club meeting.

This small patch of woods stretches along the bay shore of the Point between 16th and 19th Streets. Protection efforts for the woods became more focused in 1978, when protection was tied to an agreement for construction of the Bay Point apartment complex, just south of the parcel. In 1994, the woods were inspected by experts from the South St. Louis County Soil & Water Bureau, who subsequently identified them as Lake Superior wetland. Birders from around the region are familiar with the woods; they provide a popular stopover for migrating birds of many kinds.

A plan introduced by community volunteers would have this important site held as the newest among Park Point's parks to be listed under the City of Duluth's P-1 zoning designation. The woods would be dedicated formally as the Tom and Ella Pontliana Lake Superior Wetlands Preserve or, more simply, "Pontliana Woods," a name first proposed in 1994 in tribute to the lasting impact of this Park Point couple. Support for the proposal is strong and, for the community, refreshingly non-controversial. Park Point has a superb reputation for environmental stewardship and this plan continues that important work. If you would like more information, or would like to join the Pontliana Woods team, I guess you might as well call me, **Dave, at 722-9764.**

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FORGIVING

When a man showed up at work with both ears bandaged, he was asked what happened. "I was watching the ballgame on TV and my wife was ironing nearby," he explained. "She left for a moment and the phone rang. I grabbed for it and put the hot iron to my ear instead."

"But what happened to the other ear?", he was asked.

"Wouldn't you know, no sooner had I hung up than the guy called back."

Thanks to the good Lord, who forgives and removes our guilt. We all sin and often find ourselves making the same mistakes again and again. We need _ and we have access to _ a God who forgives and forgets.

Gracious Father, despite my best intentions, I find myself committing the same sin over and over. Thank you for your pardon and mercy. I need your Son Jesus, the merciful one. Amen

Mass 8:00 AM every Sunday with confessions at 7:40

The Breeze

Park Point Community Club
P.O. Box 16326

Duluth, MN 55816-0326



Park Point Resident

Numbers You Can Use

Have an issue you'd like to discuss, but don't know whom to call?

Here are some helpful contacts:

Police - Fire - Medical Emergency: CALL 911

Community Police Officer: Craig Lindberg (218) 730-5727 clindberg@duluthmn.gov

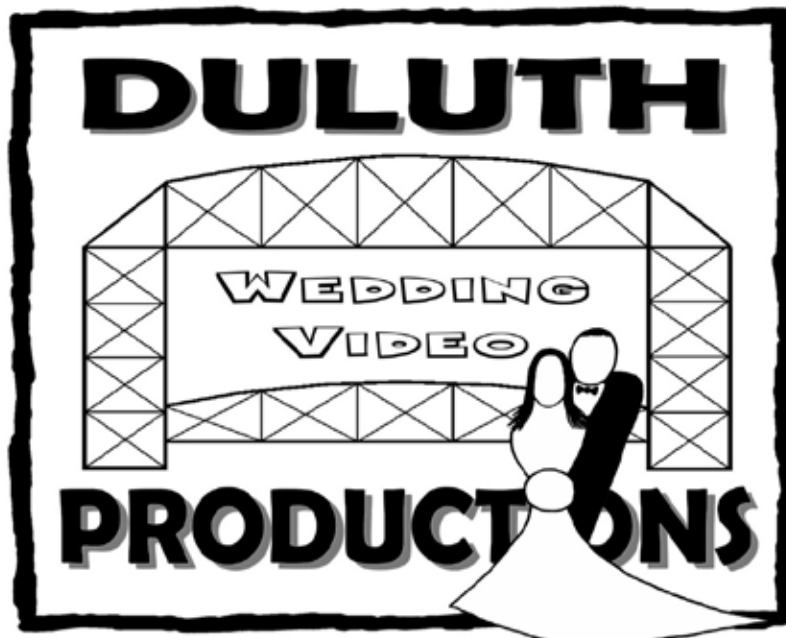
City Councilor Sharla Gardner: (218) 724-4701 sharla.gardner@gmail.com

Parks Maintenance Division: (218) 730-4491 (after hours 730-4150)

Lift Bridge Supervisor: (218) 728-3387

Stray and Barking Dog Issues: clane@duluthmn.gov

Snow Removal Hotline: (218) 730-5100



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