



# Hill & Lake Press

‘Where the biggies leave off...’

Published for the East Isles, Lowry Hill, Kenwood & Cedar-Isles-Dean Neighborhoods

PRSRT STD  
US POSTAGE PAID  
Madelia MN  
Permit No. 279

\*\*\*\*\* ECRWSS \*\*  
Postal Customer

Volume 47 / Number 9

www.hillandlakepress.org

September 2023



Fire and Ice Festival at Cedar Lake East Beach (Photo Courtney Cushing Kiernat), continued on page 12

## NEW COURT ORDER AGAIN BARS IMPLEMENTATION OF MINNEAPOLIS 2040 PLAN

By Marty Carlson

*Marty Carlson is a regular columnist and lives in Kenwood.*

On Sept. 5, Hennepin County District Court Judge Joseph Klein again issued a temporary injunction barring the City of Minneapolis from implementing its Minneapolis 2040 Plan until it has “completed an appropriate and properly conducted” environmental review. Per the terms of the order, within 60 days the city is to “immediately cease all present action in furtherance of the 2040 Plan,” and revert to the Minneapolis 2030 Comprehensive Plan in the meantime.

As brief background, in 2018, a group of nonprofits sued to bar the city from implementing the 2040 Plan, arguing that the city had failed to comply with the Minnesota Environmental Rights Act (MERA) because it did not consider the environmental impact of that plan. The city responded by arguing that no environmental review was necessary because MERA did not apply to comprehensive plans, but failed to offer any evidence rebutting plaintiffs’ assertion that environmental harm would, in fact, result from the plan’s implementation.

On cross-motions for summary judgment, the district court held that MERA did apply to the 2040 Plan, and found that plaintiffs had proved their claims of environmental harm without any meaningful rebuttal from the city. The court then issued a temporary injunction, barring implementation of the 2040 Plan, which the city promptly appealed.

The Minnesota Court of Appeals held in favor of plaintiffs on their argument that MERA did apply to the 2040 Plan and also found that an injunction was an appropriate remedy, but held that the injunction issued by the court contained insufficient findings of fact and analysis. These instructions from the Court of Appeals laid the basis for the current order from Judge Klein.

In the new 46-page order finding for the plaintiffs, Judge Klein again ruled that a temporary injunction against the city was an appropriate remedy, at one point describing plaintiffs’ case that environmental harm would flow from the 2040 Plan’s intended population densification as “lengthy, detailed, compelling, and unrebutted.”

What happens next will likely be a subject of much speculation. One matter not in doubt: the city has already said it plans to appeal the new order. Beyond that, questions abound.

Continued on page 3

## Permit for Cedar Lake Boulder Wall Roils Park Board

By Marty Carlson



(Photo Tim Sheridan)

*Marty Carlson is a regular columnist and lives in Kenwood.*

When the boulders arrived next door in early August, Deb and Bob Marzec started sending emails. The large rocks were destined for a nearly 200-linear foot wall complex on the shores of Cedar Lake, causing the Marzecs immediate concern. They live on Park Lane in the Cedar-Isles neighborhood, on the southeast shoreline of Cedar Lake, one of the few locations in the city where homes are located directly on lake shore.

Strictly speaking, the Park Lane homes don’t sit directly on the lake shore, but are separated by relatively narrow strips of land owned by the Minneapolis Park and Recreation Board, and used by those homeowners subject to long-standing, revocable easements with the park board. Many of these

so-called easement lands contain improvements built by homeowners, referred to as “encroachments.” These encroachments include docks, steps, retaining walls and other features.

Readers of the Hill & Lake Press will likely recall that the status and use of the Cedar Lake easement lands was one of the most contentious subjects in the park board’s lengthy Cedar-Isles planning process, which concluded in July of this year. Readers may also recall that in December 2021, the park board voted to revoke the Park Lane easements upon the next sale or transfer of the affected property, amid a slow but steady drumbeat of pressure to make the use of these easement lands more public than private.

The early “initial concepts” for the Cedar-Isles Plan included proposals to construct a walking path

along the easement lands to the Kenilworth Channel or, alternatively, building a boardwalk over the lake, a step that would effectively eliminate all practical water access for many of the Park Lane homeowners. After more public input and extensive internal discussions, the Community Advisory Committee (or “CAC”) voted to reject both a path and a boardwalk in favor of a recommendation that the existing easements be revoked within 10 years and the shoreline be naturalized, with a walking path revisited later only if feasible.

The Marzecs’ objections to the new retaining wall was rooted in this history. When they moved into their home in 1986, their backyard had been relatively untended for years, but most of the neighboring Park Lane properties had green

Continued on page 4



CEDAR SHAKE ROOF REPLACEMENT - ROOF WAS DAMAGED DUE TO HAILSTORM



ELYSIAN  
CONSTRUCTION

ELYSIANBUILT.COM | 952-467-6874

TRUSTED • LOCAL • QUALITY

ROOFING | SIDING | WINDOWS | GUTTERS | STORM DAMAGE RESTORATION

*RESTORING MINNEAPOLIS HOMES FROM HAIL DAMAGE FOR OVER 18 YEARS!*



Ana Haqq  
Insurance Claims Specialist  
612-812-8451  
ana@elysianbuilt.com  
License # BC638940

The August 11th hailstorm caused significant damage to your Minneapolis roof which may warrant full replacement through your insurance company.

Contact me for a FREE full exterior property inspection and claim consultation.



SCHEDULE YOUR  
FREE CONSULTATION