



**MINUTES
CITY COUNCIL MEETING
March 7, 2024**

CALL TO ORDER

The meeting was called to order at 6:30 pm.

Present: Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce, and Deirdre Kvale

Staff Present: City Administrator: Scott Weske; City Attorney Thames; Public Works Director Diercks; Fire Chief Heiland

Absent: None

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following comments and updates:

Mayor Miner reported that the City Council met in a work session prior to the regular meeting at which a few members of the Park Board gave a presentation on an idea related to an Outdoor Recreation Grant application for a possible Holbrook Park Skate and Splash Pad project. The City Council will be discussing it further at their next meeting.

He noted that the Council's meeting was being held on a Thursday because their usual meeting date was the same date as the Presidential Primary Election. He expressed his appreciation to City Clerk Moeller and the Election Judges for their efforts.

APPROVE AGENDA

A motion was made by Feldmann, seconded by Joyce, to approve the agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of the following:

- A. Approve Minutes of February 20, 2024 City Council Work Session Meeting
- B. Approve Minutes of February 20, 2024 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Accept the Resignation of Firefighter Justin Hinker from the Long Lake Fire Department
- E. Review and Consider Approval of the Construction Cooperative Agreement with Hennepin County for the County State Aid Highway (CSAH) 112 Project – Phase 3

Council member Kvale referred to Consent Agenda Item E and received clarification from Public Works Director Diercks and City Administrator Weske on a number of items pertaining to the Construction

Cooperative Agreement with the County, including the City's portion of the project cost, whether it had been reviewed by all parties, and whether the project cost had been budgeted.

Council and staff discussed details of the CSAH 112 Phase 3 project plans.

Council member Joyce referenced Consent Agenda Item D and asked if her recollection was correct that Justin Hinker was one of the firefighters who had testified that he would remain on both departments.

Fire Chief Heiland confirmed that was correct.

Council member Joyce noted that Mr. Hinker's resignation letter mentions several things including 'recent comments by Long Lake City Council members' being one of his reasons for leaving, and commented that she has no idea what that may be referencing.

Heiland responded that he was also unsure what Mr. Hinker was referencing. Mr. Hinker had originally stated that he would stay on the Long Lake Fire Department until July 1, 2024, but not beyond that date.

Council member Joyce indicated that although he may have said that, his resignation letter stated it would be effective February 16, 2024.

Mayor Miner also recalled that this was definitely a change from what Mr. Hinker had testified to, and agreed that he too had no idea about Mr. Hinker's reference to comments made by the Long Lake City Council either. He mentioned that it may have been something Mr. Hinker had 'heard' through a second or third hand source that may have been out of proportion to actual statements.

Heiland reiterated that he did not know the specifics behind that statement in Mr. Hinker's resignation letter.

Council member Joyce doubted that anyone on the Council had made the kind of comments Mr. Hinker referenced in his letter.

*A motion was made by Dyvik, seconded by Feldmann, to approve the Consent Agenda as presented.
Ayes: all.*

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

Long Lake Fire Department Annual Report – 2023 Year-End Review

Heiland presented the Fire Department's annual report for 2023. He outlined their mission and value statements; highlighted changes to the officer structure and leadership team; reviewed the updated organization chart for the Department; reviewed membership numbers, discussed firefighter certifications, and provided an update on the status of new firefighters; gave an overview of the facilities and equipment for Station 1 and Station 2; and shared call activity numbers broken down by category, pointing out noteworthy increases in call activity for 2023 versus the previous year; and responded to Council member questions regarding mutual aid calls.

He reviewed the responders per incident data, call hours per city, calls per month, and calls by day of the week for 2023 while answering Council member questions. He reminded the Council of the two

firefighters who had retired in 2023, Paul Kubista and Shane Gardner. He added that in 2023, Ben Carlson, Amanda Straka, Paul Morse, AJ Rewerts, and Veronica Vasina completed all their classes and came off of probationary status. Highland presented duty crew shift data from August through December and compared the shifts available versus those that were filled.

Dyvik questioned how many shifts were made available for Station 1 versus Station 2.

Heiland explained that there were two shifts available at each station in the morning, and two shifts available in the afternoon. He provided clarification on calculations utilized to tighten up the schedule.

Dyvik noted that he thinks one of the things learned as part of the pilot program was that Chief Heiland may not be as available as he thought he would be for duty crew duties.

Heiland review in service to on-scene times for duty crews and recalled that their goal is to get out the door in under two minutes. By and large they are doing great at getting the trucks out the doors. He outlined training goals the Department has for backseat crew training, training at Station 2 at least one time per month, pumps and driving standards review, front right seat roles and responsibilities, producing in-house training videos, situational readiness response, career development roadmap, transition/continuity planning, duty officer program, and an outline of the duty crew program. He commended the top responders from Station 1 - Mike Johnsrud, Tom Aldrich, Paul Morse, Zach Berbig, and Cody Farley; and for Station 2 - AJ Rewerts, Chris Adams, Adam Hayden, Shane Gardner, and Ryan Gonsior. He reported that Tom Aldrich has reached 34 years of service as a firefighter, DJ Goman reached 22 years, Scott Spinks has served 10 years, JB Seals reached five years, and he had personally also reached 32 years of experience in 2023. He reminded the Council that on March 27, 2024 he will have been with the City for one year.

He reported the Fire Department's annual Department's Pancake Breakfast will be held on April 14, 2024, the Red Hot 5K Run is scheduled for July 29, 2024, the Fire Prevention Open House will be October 7, 2024, and the Slow Burn Brigade's Toy and Food Drive will take place on December 2, 2024.

Council member Dyvik referenced the slide for emergency call activity and observed that if you look at Long Lake, Medina, and Orono which are under the current contract, for those calls, Orono is at 77%. He noted that if you talk about the three cities and the formula that is being applied, that is where Orono has 77%. He referenced the slide that depicted firefighter years of service and pointed out the number of individuals that have zero to five years. Word continues to be that getting new volunteers is difficult and that the volunteer model is no longer working. He asked if this data suggested a different picture or if Long Lake was just different than the national average because they have a lot of new firefighters.

Heiland observed that the fact the Department had five individuals come off probation last year and have five more in process is great news for the City, but noted that while he is a bit surprised that there are that many, he is very pleased.

Dyvik stated that he was also pleased and noted that the biggest part depicted on the pie chart are firefighters who have 0-5 years of service.

Mayor Miner agreed that those numbers appeared promising, and one of the biggest questions was whether they would be able to be retained.

Council member Dyvik recalled that there had been talk that with the duty crews the Department wouldn't be continuing to have 'all calls', and asked if there was a plan to limit those types of calls moving forward, for example, to respond to a lift assist.

Heiland stated that when they are revisiting the duty crew program, they plan to try to identify two or three specific kinds of calls that they can adjust.

Council member Dyvik observed that if the Department could drop the number of firefighters responding to every call, then he would wonder if there could be an additional duty crew slot.

Heiland confirmed that could be possible. Another thing that needs to be determined is that as July 1, 2024 approaches they will need to revisit the paging structure.

Council and staff continued to discuss the paging structure as transition occurs, and in relationship to duty crews and the number of different paging tones that are available.

Council member Feldman referenced the slide that was labeled Emergency Call Breakdown, noted the 2023 emergency calls for rescue and emergency medical services were at 181, and asked if this number correlated with population or increased assisted living facilities.

Heiland responded that since he wasn't with the City in 2022, it was a bit hard for him to say why this number had increased, but he mentioned that this type of increase in medicals has been a trend everywhere.

Council member Feldmann had heard questions from residents about what the duty officer does and his understanding is that they are full med bag and are often the first one on site. He added that was often the case within the data he had reviewed. He noted that the duty officer could not throw water on a fire, but practically speaking, that person was getting to work on scene right away.

Heiland replied that Council member Feldmann was correct, and that person would also be responding right from their driveway.

Council member Feldmann mentioned that from the data he had reviewed, response times looked on average to be very fast, and with the medical calls component growing he felt like the effective delivery of the safety service is becoming more efficient as that is becoming more of a dominant factor.

Council member Kvale asked how the Fire Department coordinates medical calls, for example, with North Memorial, and noted that she assumed that sometimes they may be the first on the scene.

Heiland explained that it can be unpredictable. Sometimes they roll up and the ambulance is already there, while other times they arrive shortly after the Department.

Mayor Miner commented that Chief Heiland hadn't really covered the budget numbers in his presentation, but his understanding was that the Department pretty much stayed on budget in 2023. He reflected that was even more impressive because of the increase in calls from the previous year.

Heiland stated that he was pleased because they'd had to do a lot of work to get the trucks up to speed with things like replacing radios. He added that they were also able to get a lot of work done on the building and he is hopeful that they can match their budget success next year.

Mayor Miner asked if there were any updates on the truck and stated that he believed Excelsior was still waiting for their new engine.

Heiland replied that Excelsior had started building their new engine, which is a positive, and have informed him that the City should be able to take possession of their old engine in September.

Mayor Miner asked when they can expect to see Utility/Rescue 11.

Heiland believed the vehicle may come in the spring. The Department will be getting the dock out on Lake Minnetonka in the next week or so and will get the big boat out there. The Department's smaller boat is ready to go for the smaller sized lakes in the service area. They have also already gone through their grass fire equipment and have it ready to go.

Mayor Miner asked if Chief Heiland had given this same presentation to the Medina City Council.

Heiland confirmed that was correct, advised that he planned to visit Orono next week, and that he will present to Minnetonka Beach in April.

Council member Dyvik commented on the importance of stressing the point that the Department stayed on budget even with the 25% increase in calls.

Heiland expressed his appreciation to the Council for approving covering half of the combi tool because that made a huge difference to the guys in the Department. The Department is very thankful to the City for having their back, supporting them, and getting this tool provided a huge boost in morale.

Mayor Miner thanked Chief Heiland and the Department for their service. He noted that he feels Chief Heiland has done a really good job of building up morale in the Department as well as building up relationships with surrounding Fire Departments and Chiefs.

Council member Kvale noted that she had seen pictures that showed Chief Heiland had paid his respects to the fallen firefighter and Police officers in Burnsville. She asked if both Command vehicles had gone to show their support.

Heiland confirmed that Command 1 and Command 2 had been present, and they had also met up with Wayzata who had their Command vehicle, and they went down to travel together for the parade. He noted that it was a two hour and 45-minute service which was really well done and well attended.

Council member Kvale thanked Chief Heiland for representing the City in paying their respects to the fallen individuals.

Council member Joyce expressed her appreciation to Chief Heiland for a great year for the Department. She observed that there had been a lot thrown their way and she felt that the information he presented tonight spoke volumes because they are within the budget, everybody seems to be doing well, and the City is lucky to have this group of firefighters.

Heiland assured the Council that the Department would continue to give 100% in their efforts.

Updates Regarding Fire Department Matters

Mayor Miner indicated that the City used to participate regularly in future fire services planning meetings but those have been put on hold for the time being. He reported that Representative Andrew Myers is co-sponsoring and co-authoring legislation for creating a legislative task force on potential consolidation of Fire Departments, while Senator Kelly Morrison had co-authored similar legislation on the Senate side. Even though Representative Myers and Senator Morrison are from different political parties, they have joined together to sponsor legislation regarding this matter. The next Fire Advisory Board meeting will be held on March 12, 2024.

Council member Dyvik suggested that the Council discuss the request from Orono.

Mayor Miner reported that the City had received an email from Orono Council member Veach, and he and Council member Dyvik had met with her individually on March 3, 2024. The email she'd sent had been forwarded to the Council. Essentially she had put forth a request that staff sit down and meet to talk about potential options regarding Station 2 and service provided from that station. He reminded the Council that Orono has submitted a change of their fire service coverage area that will be effective July 1, 2024, and Orono Council member Veach was looking for ways that the two departments can continue to work together in some shape or form regarding serving the Station 2 area after that time.

Council member Kvale asked if it was proposed to be cooperative service or more the issue of access to the building.

Mayor Miner replied that he believed it was a combination of the two. She had not said so, but he believed part of her consideration may be that they have nine paid on-call firefighters that would serve their city from 4:00 pm to 6:00 am Monday through Friday and then weekends. Chief Heiland's presentation included numbers showing that about one-third of the firefighters show up at calls, so the request may relate to that and to Orono foreseeing challenges with being able to respond to calls in their city based on those numbers. He felt it would be a good idea for staff to sit down and talk about this. Chief Heiland had shared with him that there were a number of things that he felt need to be worked out between now and July 1, 2024. He explained that he felt that things were getting to the point where they needed to have some serious discussions.

Council member Kvale asked if this request from Orono was a specific ask to provide services under a contract.

Mayor Miner stated that he wouldn't say it was that specific.

Council member Dyvik stated that his understanding from his conversation with Orono Council member Veach was to sort of look at opportunities for shared use of Station 2 so both cities could operate. He stated that he believes she was asking for city staff, including both City Administrators and Chiefs, to meet and kind of talk things through.

Council member Joyce questioned whether these things of discussion topics should be something that happened in mediation.

Mayor Miner stated that he had mentioned that to Orono Councilmember Veach.

Council member Kvale stated that these requests seem like short-term solutions.

Council member Joyce stated that they also seem like they only benefit one side of the situation.

Council member Kvale questioned why they would parse it out and not talk about everything. She stated that they are currently challenging the City on attorney's fees, which is a short term ask for the City and she gets the feeling from Orono that they only want to discuss 'their' challenges and not Long Lake's challenges. She suggested that they put everything on the table and find a resolution to everything.

Council member Joyce stated that she agreed and explained that it feels like Orono wants to negotiate on an issue that they have created themselves.

Council member Dyvik agreed and stated that he had brought this up with Orono Council member Veach and got the impression that she wanted to take things bit by bit and show that they can work together on a smaller scale which may lead to something larger. He explained that he had communicated with her that he was skeptical that would be successful, but agreed that he didn't think talking would hurt. He clarified that he had not told her that he would direct staff to have these conversations, but would be okay with it. He reiterated that he believes she was asking if there may be a way for the two departments to have some type of shared use of Station 2.

Council member Kvale asked if that meant that two fire departments were operating under one station.

Council member Dyvik stated that was correct and had told Orono Councilmember Veach that sounded strange to him.

Council member Joyce stated that she also did not think it seemed very safe.

Council member Dyvik stated that this idea probably would not work, but there may be something else may come of having the conversation. He clarified that he did not want to say that they absolutely could not get together and talk.

Mayor Miner stated that he feels that operationally they need to have staff continue to have conversations with them, but would not say that it should be any kind of negotiation.

Council member Dyvik noted that anything that would be discussed at these meetings would have to come back before the Council.

Council member Joyce confirmed that meant that nothing could or would be committed to during those discussions.

Mayor Miner stated that in talking to City Administrator Weske recently he felt it would make sense to start with him and the Orono City Administrator having a conversation before getting the two Fire Chiefs involved.

Council member Kvale asked if anyone had spoken with the attorney and if this was something that he would recommend be done. She stated that to her it almost seems like it would be unsupervised mediation.

Council member Dyvik stated that he did not feel it would be a mediation.

Council member Kvale disagreed and noted that the point of the meetings would be to try to come to terms and solve issues.

Council member Dyvik noted that the point would not be to try to solve the whole big picture issues.

Council member Kvale reiterated that she would suggest that they do talk about the whole big picture.

Council member Dyvik stated that he had brought up that idea, but Orono Councilmember Veach was focused on just keeping it smaller.

Council member Joyce and Council member Kvale stated that Orono Councilmember Veach was just keeping in focused on what Orono wanted.

Council member Kvale reiterated that she felt it should all be brought in.

Council member Dyvik reiterated what he felt Orono Council member Veach's goal and focus would be for the meetings.

Council member Kvale asked what benefit the City of Long Lake would get from these meetings. She stated that it appears as though the City would be expected to make a concession.

Council member Joyce stated that she finds the whole topic to be a bit infuriating.

Council member Kvale stated that she felt that Long Lake should be able to also talk about what they want rather than only what Orono wants.

Council member Dyvik cautioned that he felt it would be a mistake for the City to say, no, they are not going to approve staff and the chiefs sitting down together to have a discussion because he doesn't think that would be a good look.

Council member Joyce stated that she is fine with having discussion, but she feels it should be part of mediation. She stated that she also wanted to make sure that the City was not making poor use of Chief Heiland's time.

Council member Dyvik noted that Orono Councilmember Veach had put a two-week deadline for the discussion to see if something may come of it.

Council member Joyce asked if there was a reason for the two weeks.

Mayor Miner had shared with Orono Council member Veach that he felt that was an unrealistic timeline. He stated that she had also wanted him to pass along the message that if anybody wanted to meet with her in person she was more than willing to do so.

Council member Kvale noted that the two cities were involved in litigation and repeated her question about what the City's attorney says about meeting, making concessions, or making statements in this type of meeting.

Council member Dyvik stated that he didn't think anything that would be discussed in those conversations would be a decision until it came back to the Council.

Council member Kvale stated that she was referring to statements or interests and if things are said that then end up used as testimony that, 'you said this', for example.

Council member Dyvik stated that he believes the judge thought there was some discussion happening and had encouraged that. He reiterated that he felt it would be a mistake for Long Lake to say that they were not willing to talk.

Mayor Miner stated that he thinks this is more operational and shared that he was concerned about what is on the horizon and noted that sometimes it seems like Long Lake is more worried about how this may impact the Orono residents that they currently serve than the Orono city council is. He explained that he wanted to make sure that Long Lake was not put into any kind of liability situation with the switchover that will occur and just make sure that they are a 'voice in the room'. He stated that he wasn't sure if Orono would reach out to the County about a CAD zone or if Long Lake was also involved in the decision/authorization. He stated that he wanted to make sure that Long Lake was part of those kinds of conversations and that they are not happening behind their backs.

Council member Joyce stated that if Orono wanted to 'undo' their decision, that was already an option.

Mayor Miner agreed and would like City Administrator Weske to bring that up in the conversations but noted that he believes he knows how that would be received by Orono.

Council member Joyce stated that putting egos aside, this is a public safety issue. If they do not have the staff and the facilities to do what they thought they could, then they can just come back under the contract.

Council member Feldmann commented that he thinks their numbers are concerning. If they have nine people and if statistically one-third of them show up, he voiced concern that potentially somebody could get hurt because there will be times they will not be able to roll the apparatus. He stated that this, to him, is a scary scenario and he would definitely want Orono to know that he feels it may be on the table to keep the department intact, as is.

Council member Dyvik stated that he had told Orono Council member Veach that was what should happen because he didn't think they would have a building by July 1, 2024.

Council member Joyce stated that in their testimony they said it wouldn't happen until August.

Council member Dyvik reiterated that he feels the motivation for Orono is to see if there was some way to share Station 2, which in his opinion, is not a solution, but noted that it may be possible to have discussions and end up with something positive.

Council member Feldmann stated that what they are proposing does not make any sense and noted that Long Lake's average response quantity is greater than the entirety of their paid on-call staff. He noted that there would be no symmetry in that relationship. He clarified that he was open to having conversations and communicating, but is skeptical.

Council member Dyvik agreed that he was also skeptical and had shared with Orono Councilmember Veach that he had little confidence that anything good would come out of this, but was not opposed to having staff getting together and talking.

Council member Kvale shared an example of the scenario with a shared facility and a call comes it and asked how they would respond, who would be the command officer. She stated that there should not be two different fire departments running the same calls with different management within the same building.

Council member Dyvik noted that it may be a short conversation.

Council member Feldmann stated that he would agree that the two sides should be communicating.

Council member Kvale repeated that she felt that everything should be on the table.

Council member Joyce stated that should be done with mediation.

Council member Dyvik explained that he saw this conversation as more about operations.

Mayor Miner noted that Judge Miller had not yet ruled on this which could also have an effect on this situation.

Council member Dyvik stated that there had been a suggestion made that once the shovel goes into the ground that Long Lake would lose some leverage and his response was that, in his opinion, he did not feel that the shovel was going to go into the ground.

Council member Joyce asked if that comment had been intended as a threat from Orono.

Council member Dyvik stated that he did not think it was a threat.

Weske explained that he had thrown the idea of the discussions just beginning with him and the Orono City Administrator because he can see things going sideways and getting muddy fairly quickly if the Chiefs were also in the room. He stated that he wants to understand the situation of the expectations before he takes time from Chief Heiland.

Council member Dyvik stated that he believes that is probably a good approach but there will eventually need to be discussions between the two Chiefs about things like when the CAD zones are pulled.

Council member Joyce stated that she would stress and reiterate to Orono that there is an option to come back into the contract because safety is more important than whatever this is.

Mayor Miner asked if Chief Heiland has gotten any information from the County on how long it would take them to reprogram the CAD zones.

Heiland stated that the main thing about changing the CAD zones is they have to have a specific date so they cannot say July 1, 2024 and then, 'oh wait, we actually want it to be September 1, 2024.'

Council member Dyvik asked what would happen if they pull out those CAD zones for July 1, 2024 and now Orono is not ready to serve.

Heiland stated that he does not know if Orono would even have a fire department ID# at that time.

Council member Joyce stated that was a good point because they were not even technically a fire department.

Heiland stated that getting that ID# is square one before the CAD zones can be changed. He stated that the State does not recognize them as a department and noted that Orono said, in court, that they would have this ID# by July 1, 2024.

Council member Kvale noted that they are talking and negotiating, but much of this is on Orono's end and whether they will actually be ready to go in changing the CAD zones. She stated that she felt it was sort of on them to figure this out and articulate to everyone when they will actually be fully ready to go.

Council member Joyce noted that she did not think they would admit that they weren't ready until the last minute.

Council member Dyvik explained that another thing that came up in his discussion was the idea of doing joint training with Long Lake and Orono.

Heiland responded that he did not see that happening.

Council member Joyce stated that she did not feel that Orono wanted to be a partner with Long Lake unless it benefits Orono. She noted that recently a topic had come up and the statement was made by Orono that they couldn't talk to Long Lake because they were under litigation which is why she questions why it is okay for Orono Councilmember Veach to talk to Long Lake in this situation.

Council member Feldmann stated that it is very frustrating and noted that he still has outstanding e-mails where it says that Orono Councilmember Veach was not granted permission to talk to him about questions he has had since last July. He stated that both Orono Fire Chief Van Eyll and Orono Councilmember Veach will not talk to him and stated that it appears that they are selectively talking which he finds very frustrating and shows an asymmetric relationship.

Council member Kvale explained that was why she had suggested putting everything on the table and not just the hand selected ones.

Heiland stated that was why he agreed with Council member Joyce from a public safety standpoint and the CAD zones because the Department will respond to that area no matter what until they hear otherwise. He stated that he feels that Orono keeps referring to this as a 'transfer' and Long Lake looks at it as a 'takeover'.

Mayor Miner agreed which is why it is hard to have a mindset of training together when there is a feeling of betrayal.

Council member Joyce stated that the majority of Orono's Fire Department consists of Long Lake firefighters.

Weske noted that means that they are actually already training with the City.

Mayor Miner agreed and noted that he felt that they were trying to get away from having their firefighters attend training two nights per week. He stated that is how it is when you work for two

different departments and noted that they would also need to meet each departments percentage of calls which may put the firefighters in a difficult position.

Council member Joyce stated that the firefighters had all testified that it would be no problem.

Heiland stated that the firefighters would not be giving 100% of their time to one organization and would be splitting it.

Council member Feldmann agreed and explained that even though the number is the same, they will have two sets of constraints that they will have to satisfy which makes it much more difficult.

Council member Kvale noted that there were firefighters who were on both Orono and Long Lake's Fire Departments, Orono could make the decision that the training they received in Long Lake counted and satisfied the requirements for Orono.

Mayor Miner noted that he believes that may be Orono Chief Van Eyll's plan.

Council member Feldmann stated that would mean that fundamentally, Orono would not be training their own people.

Council member Dyvik asked if there were specific training requirement and if it could be from another department.

Heiland stated that there were definitely were requirements and explained that for people he knows that serve on two different departments, such as Minnetonka and Long Lake, and the requirement is that they have to attend 50% of the trainings for each department. He noted that there are times where EMT trainings at other stations that certification can be used at another stations. He stressed that each department has a specific amount of training requirements that need to be met. He stated that saying that they training with a different department would not necessarily translate. He explained that part of training is also building a team and working together and having guys go off to a different department for training does not build a team.

Council member Kvale asked if Orono has firefighters that are not members of the Long Lake Fire Department.

Weske stated that he did not believe they had any paid on-call that were not members of the Long Lake Fire Department. He noted that he believes he has gotten enough information and feedback from the Council to have a conversation with the Orono City Administrator.

Council member Joyce reiterated that she really hopes that Orono considers coming back under the contract if it doesn't look like it will work out a they had planned.

Council member Feldmann stated that he agreed and his concern is about the actual ability to perform as of July 1, 2024 and to remember that there are real people on the receiving end of these services and this was not a game.

Heiland agreed and stated that public safety should come first.

Discuss and Consider Adoption of a Resolution Related to Fire Station 2 Use

Weske indicated that the staff report outlines the history and timelines with regard to Station 2 concerns over the last year or so and explained that this agenda item was intended to memorialize the City's position that they do not agree or consent to Orono's proposed construction next to Station 2. He gave a brief overview of the history and timeline outlined in the staff report.

Council member Feldmann asked about the 'accessory structure' and observed that his understanding from the court hearing was that a secondary building on a lot is secondary to the principal use on the lot, but somehow Orono was saying that it was an accessory structure to a building that was many miles away.

Weske recalled it had come out during the hearing that the proposed structure was supposed to be an accessory use to their Public Works building. The City did receive a letter from Orono's attorney saying that they have applicable agreement where it would be administratively approved.

Council member Joyce asked if that meant it would be administratively approved despite their City Code.

Mayor Miner clarified that he felt they were saying that it wasn't in violation of any applicable agreement or their code, and Long Lake's attorney stated that he takes strong issue with that and it is obviously a violation of the contract. He noted that it was also incongruent with their own city ordinances according to the interpretation of Long Lake's attorney. Not every hinderance or issue was listed in the draft Resolution, but it had been prepared in consultation with the City's legal team to address the more serious issues. The City had not been officially asked to give their approval to Orono's plans, but he felt it was important for the Council to adopt this Resolution prior to their Council meeting. He reported that at their last meeting, Orono had originally had an item on their Council agenda regarding construction of an accessory garage structure right next to Station 2, which was pulled the Friday afternoon prior to their meeting. He reiterated that because it is slated to be on the agenda at their next meeting, it is important to make the City's opinion known and that as Judge Miller has ruled, the contract gives the City authority over that property. Recognizing that the City did not approve of their current plans and they would be violating the contract if they proceeded without Long Lake's consent, the action would also violate Judge Miller's very clear orders.

Council member Kvale voiced that she had read through the proposed Resolution and liked it. She thanked Mayor Miner for taking this on and working to prepare it.

Mayor Miner shared that one development from earlier today is that Long Lake's objection appears to have had an effect and Orono may be backing down on their plans to construct at Station 2. Legal counsel had advised they had heard there was a call with the Judge today, and Orono's attorney had indicated that they have another plan in place for constructing a temporary facility on some other property. Even if that is accurate, he still believed it was still important for the City to adopt this Resolution.

Council member Kvale asked if this latest information also changed the recent request by Orono Council member Veach regarding Station 2 and if that meant it was also off the table.

Council member Dyvik did not think it meant it was off the table because he believes her hope was still for some type of shared use of the existing Station 2 property.

A motion was made by Kvale, seconded by Miner, to adopt Resolution No. 2024-12 expressing the City of Long Lake's position that it does not agree or consent to the proposed construction of a Orono Fire Structure at Station 2 located at 3770 Shoreline Drive, and direct the City Administrator or his designee to email a signed copy of said Resolution to Orono's City Administrator and City Attorney with a request that it be provided to all Orono City Council members prior to their March 11, 2024 meeting. Ayes: all.

OTHER BUSINESS

Highway 12 Safety – Council member Feldmann had attended the Highway 12 Safety Coalition meeting. He outlined some of the demonstration products that were brought forward and suggested that the City may want to look at ways certain items may be able to be used in the City. There was also discussion about a car fire that had occurred on Highway 12 and the need for a four-point turn. He asked if Chief Heiland knew more about that situation but explained that MnDOT is aware of the issue that they ran into. Heiland had spoken with MnDOT about the concern before and thought they were pretty receptive to his feedback on what could be done to fix that situation.

Food Truck Inquiry, BP Lot Ideas – Council member Dyvik stated that he knows a Chick-Fil-a franchise owner who is interested in parking a food truck in the City. Weske replied that City Clerk Moeller and City Planner Rybak were looking to find a way to permit this use. Council member Dyvik believed the food truck's proposal would be to park at the old BP lot on Monday and Tuesday evenings and see how it went. Mayor Miner added that the Long Lake Garden Club has been very energetic and has lots of ideas for the BP parcel. Weske had communicated with the Garden Club that the Council would like to see their plans and added that he believed at least one of their plan iterations had a space set aside for food trucks. Mayor Miner noted that there is an EDA meeting scheduled for March 19, 2024 and suggested that this may be something they discuss at that meeting.

State of the City Address – Mayor Miner encouraged people to take time to watch the current 'State of the City' address that was recently published.

Park Board Grant Work - Council member Joyce acknowledged what a great job the Park Board has done in looking for possible grants and observed that Park Commissioner Leachman has put a ton of time into those efforts. Council member Dyvik suggested that the City may want to find other grant opportunities to potentially utilize Park Board member Leachman's background and experience.

Meeting Schedule Reminders, Upcoming Closed Session - Mayor Miner reminded the Council that there would be EDA and City Council meetings on March 19, 2024. Council member Joyce added that there was also the potential for a closed session meeting on March 20, 2024. Mayor Miner confirmed Council member Joyce was correct, assuming the City receives information regarding the outcome of City of Long Lake v. City of Orono by that date. Council member Kvale asked if today's hearing with the Judge had been a regularly scheduled hearing or if it was something that had come up unannounced. Mayor Miner clarified that it had come up having been previously unscheduled. His understanding was that it had come up at the request of Orono because they were wondering about the ETA on the Judge's ruling, and Long Lake's legal counsel was part of that conversation. Council member Dyvik asked if they had gotten information on the ETA of the ruling. Mayor Miner replied that they had not, but Orono requested to submit documentation by next Wednesday regarding the Resolution he believes they are planning to adopt at their next meeting.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:25 pm.

Respectfully submitted,

Scott Weske
City Administrator