



**MINUTES
CITY COUNCIL MEETING
June 18, 2024**

CALL TO ORDER

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

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

Staff Present: City Administrator: Scott Weske; Fire Chief: Mike Heiland; and City Clerk: Jeanette Moeller

Absent: Council: Gina Joyce (with prior notice)

PLEDGE OF ALLEGIANCE

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

Mayor Miner reported that he had attended the Wayzata Crime Prevention Coalition meeting last week where they discussed preparations for the annual Night to Unite coming up in August. He added that the Wayzata Police Department is doing well with their staffing, and they would be attending some City events throughout the summer.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of the following:

- A. Approve Minutes of June 4, 2024 City Council Work Session Meeting
- B. Approve Minutes of June 4, 2024 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Adopt Resolution No. 2024-25 Promoting Michael Decker from Public Works Seasonal Maintenance Worker for the position of Public Works Maintenance Worker I; Authorize Payment for Required Entry Level Driver Training Certification Course from Class A Leasing Driving School
- E. Accept the Resignation of Firefighter James (JB) Seals from the Long Lake Fire Department
- F. Adopt Resolution No. 2024-23 Approving Issuance of Special Event Permit #S2024-03 for Corn Days 2024 on August 10, 2024; Approve Issuance of a Noise Variance Permit for Live Entertainment; Approve Issuance of a 1 to 4 Day Temporary On-Sale Liquor License; and Approve an Application for Exemption for Gambling Activities at Corn Days
- G. Adopt Resolution No. 2024-22 Approving Issuance of Special Event Permit #S2024-04 for the 50th Annual Corn Days Parade on August 10, 2024
- H. Adopt Resolution No. 2024-24 Approving Issuance of Special Event Permit #S2024-05 for Buckhorn Days 2024 on July 13, 2024; Approve Issuance of a 1 to 4 Day Temporary On-Sale Liquor License; Approve Issuance of a Noise Variance Permit for Announcements and Live Entertainment

- I. Adopt Resolution No. 2024-27 Approving the Second Amendment to Assessment Agreement Between the City of Long Lake, the Long Lake EDA, and the Long Lake Townhomes, LLC, and Authorizing the Mayor and Administrator to Execute the Amendment

Mayor Miner congratulated Michael Decker for his promotion to Public Works Maintenance Worker I and thanked firefighter JB Seals for his over six years of serving the community on the Fire Department.

Council member Kvale shared that she wanted to give a 'shout out' to City Clerk Moeller for arranging to have the Wayzata Police Department being involved in community outreach during the upcoming Buckhorn Days event.

She also observed that there was a large invoice for WSB in the claims paid packet and asked if most of that would end up being reimbursed.

City Clerk Moeller advised that there have been a lot of inspections happening because there are quite a few projects in the process of closing out; therefore, a significant portion of the invoice activity would be reimbursable.

Council member Kvale asked for details on the Dome line item referenced on the invoice.

Moeller clarified that a zoning verification letter had been requested in preparation for a sale of the Dome property. The City collects a fee for preparation of zoning verification letters, and this particular letter was complex to prepare and had been outsourced to WSB due to a number of zoning violations at the property. Typically City staff prepares responses to zoning verification letter requests, but does outsource the more complicated ones as necessary.

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

OPEN CORRESPONDENCE

Maria Veach, Corn Days Committee – Ms. Veach expressed her appreciation to the City for its support of Corn Days and added that it would be the 50th year for the event. The planning committee has revamped and reinvigorated the event with more food, more drinks, and a larger parade. She gave a brief overview of some of the activities that would be available during the event.

BUSINESS ITEMS

Cancel July 2, 2024 City Council Meeting

Moeller offered that due to holiday and travel plans, the Council could consider cancelling the July 2, 2024 City Council meeting. She confirmed that there was not any pending business that would preclude the cancellation.

*A motion was made by Miner, seconded by Feldmann, to cancel the July 2, 2024 City Council meeting.
Ayes: all.*

Highlighting Upcoming Community Events

Moeller provided a brief overview of the upcoming community events that were approved as part of the Consent Agenda.

Buckhorn Days will be held on July 13, 2024 in Nelson Lakeside Park, with the car show moved to the Pioneer Museum grounds. Moeller outlined some of the vendors, activities, and live entertainment that will be available during the event. She mentioned that there would not be a water ski show or fireworks at the event this year.

Corn Days will be held on August 10, 2024 from 12:00 noon to 10:00 pm at the Church of St George. Moeller reminded the Council that this would be the 50th anniversary of the event and reviewed a few of the activities and entertainment options that would be available. She pointed out that the full event schedule would be available on the event website at www.corndays.com. Additionally, the Long Lake Area Chamber of Commerce will be holding the annual *Corn Days Parade* at 12:00 noon. She asked if the Council would be interested in riding in the Fire Department Studebaker during the parade.

Council members were in agreement that they were interested in participating in the parade again, and Council member Dyvik volunteered to serve as the Council member point of contact for their vehicle.

Updates Regarding Fire Department Matters

Mayor Miner advised that there were a fair amount of updates from activity over the last few weeks related to the Fire Department. The City had participated in the third session of court ordered mediation with the City of Orono on June 17 with a new mediator. There was really no resolution from that mediation meeting. The City will be sending out a ListServ message updating residents, but he added that neither side can share specific details regarding what was discussed during mediation.

Council member Kvale asked who had represented the City of Orono during the mediation.

Mayor Miner responded that Council member Johnson and Mayor Walsh had represented Orono. He reflected that he was a bit taken aback that Orono Mayor Walsh chose to wear shorts and flip flops to the mediation session. He was not clear on whether there would be any additional mediation sessions.

He indicated that the City has been communicating back and forth a bit with the City of Orono regarding a modification that may be needed to Orono's service area from what they had originally outlined in June of 2023. He noted that there had been an open Fire Forum meeting on May 30, 2024 that was available to be viewed on the City's website and encouraged residents to watch it if they had been unable to attend. During the presentation at the Fire Forum, there was a slide that mentioned that the City of Orono did not have a boat. The next day, the City had learned about an email exchange that had occurred which had been initiated by Hennepin County Sheriff's Dispatch that had asked for more information as there was confusion about who would be covering the lake areas within the CAD zones Orono Fire would be covering. This issue was raised at a Fire Advisory Board meeting on June 4, and a recording of that candid discussion is available on the City's website. The Long Lake City Council had also met following the Fire Advisory Board meeting on June 4, and to the Council's surprise, a news story ran on KSTP news later that evening about the fire services situation. At their June 10 meeting, the Orono City Council also held a fair amount of discussion about the coverage area topic. The City of Long Lake had sent a letter to the Orono City Administrator pointing out that the two bays in Lake Minnetonka at issue were fully enclosed on the coverage map that was sent to Long Lake in June of 2023, were apparently not going to be covered by the Orono Fire Department, and addressed the request that they be covered by the Long Lake Fire Department. The City wants to make sure that this coverage change is enacted legally and contractually, and will be following up with the City of Orono.

Council member Dyvik displayed maps of the areas being discussed and recalled that at the June 10 Orono City Council meeting, Orono Mayor Walsh made several statements about the importance of having fire protection readiness, otherwise it puts their “residents at risk”. He then went on to comment about the question that Council member Dyvik had brought up at the Fire Advisory Board meeting regarding coverage of two Lake Minnetonka bays, Forest Lake and North Arm Bay, that fall entirely inside the response zone that Orono stated they would take over starting July 1. That zone was defined in a letter that came to Long Lake in June 2023. Subsequently, Long Lake had since learned on May 30, 2024, only three weeks ago, that Orono was expecting the Long Lake Fire Department to cover those two bay area sub zones within their calling area. Mayor Walsh said at Orono’s last Council meeting that the only people who were confused about the new coverage agreement starting July 1 were the Long Lake City Council. In fact, he called out Mayor Miner and Council member Dyvik in particular as being confused and not aware enough to ask our Long Lake Fire Department who “clearly knew” that the LLFD was supposed to cover Forest Lake and North Arm Bay. Mayor Walsh had stated that all that was needed was for Long Lake representatives to call their firefighters to get the answer, and indicated the situation was a matter of communication. Council member Dyvik found it ironic that Mayor Walsh said the situation was a matter of communication, since to him, that would appear to be the very thing that Orono lacks – or at least, perhaps honest communication.

Council member Dyvik commented that he would normally ignore Mayor Walsh’s outrageous lies on social media and at Orono Council meetings, but since he had called Council member Dyvik out, he intended to respond. In a letter Long Lake received from Administrator Adam Edwards on behalf of the City of Orono, Mr Edwards wrote that “While this seems to have been clear to Orono, Orono Fire, Long Lake Fire and Hennepin County, it does not appear to have been clear to the Long Lake City Council.” This is the same messaging that Mayor Walsh voiced at Orono’s Council meeting. To share the truth, Council member Dyvik informed the public that there was never a formal communication from Orono to the LLFD, the LLFD Fire Chief, the Long Lake City Administrator, Long Lake Mayor, or City Council regarding the LLFD responding to the bay areas. The letter that was received in June 2023 stated, “Beginning July 1, 2024, the City Fire Service Area for the City of Orono shall be as depicted in the map attached as Exhibit A. The area of Orono removed from the LLFD service area is identified by orange highlighter and consists of CAD zones 75F200 and 75F210.” He showed that the Exhibit A they provided was a map with their orange highlighted boundary around CAD zones 75F200 and 75F210, in full. Then, in their recent letter of June 2024, Orono stated that “The intention of the notification was for the land areas only, and not intended to apply to the Computer Aided Dispatch (CAD) Zones specific to Lake Minnetonka itself.” They attached a new map with the subzones for the bay areas newly shown separately. Nothing in the first letter of June 2023 stated that intention, and nothing had been communicated to Long Lake regarding the coverage area since then and prior to May 30, 2024. Orono also indicated that even Hennepin County had known their intentions. That also is a lie. An email from Hennepin County Dispatch to the LLFD on May 30 stated, “ On July 1, Forest Lake zone will transfer to Orono correct?” That email from Hennepin County Dispatch led to the question of intention from the LLFD to Orono Fire. It was only then that Orono’s Fire Chief responded that the bay areas should be covered by the LLFD. Neither the LLFD nor Hennepin County were clear on the intention prior to May 30. Had there not been email correspondence that day, it would likely still be unknown.

At the recent Fire Advisory Board meeting, it was stated by Assistant Fire Chief Farley that he “assumed” that LLFD would be covering the bays within Orono’s response zone. If Mayor Walsh had listened to the recording, he would have heard Council member Dyvik ask Assistant Chief Farley if that assumption was only by default because he was aware OFD doesn’t have a boat, and Assistant Chief Farley had responded affirmatively. There was never any communication from Orono to Long Lake regarding the matter of separating out the bay areas, and a contract can’t be exercised by assumptions.

Now, Council member Dyvik stated that it is his belief Orono was trying to cover up the situation and quietly sweep it under the rug; however, now that the matter has been exposed, they are working to make it sound as if the bay coverage concern is such a minor detail. Even the Orono Fire Chief tried to diminish the importance of these areas by saying there are hardly any calls in those subzones. Council member Dyvik indicated he would say, that doesn't matter. One call is too many if someone isn't there to respond. He also recalled that regarding intentions, when the Orono Fire Chief presented his needs assessment last year around the same time as they sent Long Lake the letter that removed their call area, his needs assessment stated that OFD not only needs one boat, but rather would need two boats to effectively respond to all of their water zones.

At the end of his comments at their last Council meeting, Orono's Mayor Walsh stated that Long Lake should focus on its own Fire Department rather than worrying about what Orono is doing. Council member Dyvik commented that he would respond to that by saying that Long Lake's concern about the situation is indeed related to looking out for Long Lake. That's why there are two contempt orders against Orono, not for starting their own Fire Department, but for violating their contract with Long Lake and trying to dismantle the LLFD.

Council member Dyvik also addressed a few other comments that had been made by other Orono Council members related to mutual aid, adding that the comments felt nonsensical to them as they were not relevant to the situation at hand. One of the Orono Council members had stated that in the Police Department, Orono Police provides significant mutual aid to Long Lake, which sort of subsidizes the coverage provided by the Wayzata Police Department. Council member Dyvik recalled that a few years ago the City had pulled some numbers to look at data related to mutual aid and found that mutual aid went both ways and the numbers were pretty balanced; therefore, it was not like Long Lake was getting some type of 'freebie' from Orono. He added that this same Orono Council member also started talking about the issue of the two bays and using mutual aid to make the case about why wouldn't Long Lake provide mutual aid. Council member Dyvik clarified that the Orono Council member's statement was conflating mutual aid with first response. Obviously the LLFD would provide mutual aid and will cover the affected bay areas because they would not leave somebody unprotected, but Council member Dyvik also believed that the coverage should be established under contractual terms. There needs to be a primary responder who responds and then mutual aid would be called out as needed, but that is not what will be occurring in this instance. An area was identified that Orono said they were going to cover, and now Long Lake had learned at the eleventh hour that they would not be covering the area in full and instead would expect Long Lake to cover certain areas within Orono's response zone, which is not a mutual aid issue. An Orono Council member had also made a comment at their last meeting that Long Lake would not have a seat at the table in any future Fire Department arrangements. Council member Dyvik voiced that the Council member's comment was also nonsensical and that he had kept changing numbers in his partnership percentage examples. Council member Dyvik reminded this Orono Council member that their neighbors to the south within the Excelsior Fire District were: Shorewood, population 7,600; Deephaven, population 3,800; Excelsior, population 2,300; Tonka Bay, population 1,500; and Greenwood, population 700; have made a fire district arrangement work. In fact, he noted that Greenwood has 4% of the combined district's population and not only has a seat at the table, but has an equal seat as all cities have equal representation.

Council member Kvale recalled that the City entered into an agreement on October 15, 2002 with the City of Orono, and the City of Medina, and that agreement spells out a lot of different responsibilities, including if they were to go to a fire command responsibility. She read aloud from the agreement which stated that, "subject to the terms of the agreement, the Fire Chief of Long Lake or the Chief's designee

shall have sole and exclusive right and responsibility to prescribe the manner and method of giving the alarm for fire within the total fire service area.” She also referred to requirements for liability insurance, operational responsibilities, and explained that her point would be that Long Lake provides fire service through the Long Lake Fire Department based on the terms of the agreement. There are terms to define how the LLFD will respond, and she referenced Provision 21 of the agreement which identifies procedures to either increase or reduce the fire service area. She read aloud a portion of the provision that stated, “During the period of the agreement a contracting city may request that its city fire service area be reduced or increased in size. Such a request must be made prior to July 1 of the contracting year to allow time for preparing the annual fire service budget for the succeeding contract year.” She reviewed that Long Lake had received a notice from the City of Orono in June 2023 that cited this provision and said that “accordingly, the City of Orono hereby specifies and notifies the City of Long Lake that beginning July 1, 2024, the city fire service area for Orono shall be depicted as in the map attached as Exhibit A. The area of Orono removed from the Long Lake Fire Department service area is identified in orange highlighter and consists of CAD zone 75F200 and 75F210.” She noted that the map was still being displayed on the screen that Council member Dyvik had shared. The area Orono had highlighted was effectively removed from the contract and the notice was not ambiguous – the service area was fully circled and Long Lake was given notice that it was being removed from the contract. Subsequently, the City had received a letter from Orono that they wanted to add service areas back into the contract for coverage of Forest Lake Bay and North Arm Bay. Council member Kvale indicated that Orono wants to add those areas back into the contract and according to Provision 21, they can do so, but they need to give the required notice. While Orono is outside of the notice period for doing so and would technically have to wait until next year, in the interest of public safety, Long Lake could choose to waive the notice requirement. If Orono desires to add coverage of the bays back in to the contract because they are unable to service those portions of their response area, it needs to be clearly identified that they want the bay areas added back in, and it should be done according to the contract. She emphasized the importance of establishing clear terms regarding who is responsible for what, and she also felt that a request by Orono to add service areas back into the contract should go through Medina as well.

Council member Feldmann voiced a desire to address comments made previously regarding numbers Orono had presented, noting that some had been ridiculous. Focusing on the present, he reflected that there were a few things said recently that he believed were worth speaking to, such as the comment that Long Lake should focus on their own Fire Department and not the Orono Fire Department. He stated that he’d read through the email exchange between Hennepin County Dispatch and LLFD leadership. In doing so, it was very clear that in the June 2023 letter Orono sent to Long Lake, everybody understood Orono’s intent as it was communicated; however, there is now confusion on everyone’s part. He mentioned that a contract is not about ‘intent’, but about what is actually stated in the contract. The Long Lake Fire Department leadership actually understood the Orono Fire Department’s lack of preparation, which kind of saved the situation for Orono because there is at least somebody who can be paged that is capable of responding. Council member Feldmann appreciated the Long Lake Fire Department’s leadership for their understanding of what is going on and wanting to cover residents within Long Lake, but also in the neighboring communities. He observed that as Council member Kvale had pointed out, Long Lake does need to focus on the fact that this is a contract and Orono removed the impacted service areas. One other thing he had picked up on when he’d listened to the audio of the Fire Advisory Board meeting was that a statement was made by Orono Fire Chief Van Eyll that ‘hardly any calls’ happen in the bay zones. Council member Feldmann voiced that, to him, it was very disappointing to hear that type of logic existed because that mentality should not be the mentality of public safety. He indicated that the Department is there to cover those risks and mitigate them for the communities they serve, and not to make a decision to dismiss a location based on how

many calls came in from the area. He reiterated that this comment from Orono Fire Chief Van Eyll was very disappointing for him from someone who is in a position related to fire and safety leadership.

Mayor Miner agreed that some of the comments have been very disheartening to hear. He was glad that the Hennepin County Sheriff's Dispatch supervisor noticed the issue; and expressed concern about the possible situation that could have arisen, for example, on July 4, 2024 when they would have been having trouble figuring out which Fire Department should be dispatched to a boat fire. He noted that this would be the last Council meeting prior to July 1, 2024 and despite the City beating this drum for the last few months, things are now down to the wire. He shared his concern about what Orono is doing and their lack of focus on public safety in this matter as July 1, 2024 approaches, adding that two or three members of the Orono City Council have been making statements publicly that they are 'ready to go', are 'all set', and were 'fully prepared, equipped, and staffed', which is really not true. He suggested that if they were responsible in caring for the safety of their citizens, they would push this date back a bit. Long Lake has been sending letters to Orono such as the letter sent by City Administrator Weske dated June 7, 2024 when the boat issue was raised. He pointed out that the deadline was approaching and Orono was still awaiting equipment, including a tanker truck. Long Lake has been offering, and almost begging for them to at least extend the coverage change date by a bit of time in order to give them time to be more fully prepared, but they have not chosen to take the City up on these offers. Orono Mayor Walsh has been sending out Facebook posts over the last several weeks saying things like "this is going to be the best service the area has ever had", which is such a misnomer because it is untruthful and sends mixed messaging to residents. Mayor Miner stated that he has been in public safety for about 35 years, beginning with the Orono Police Department, and spreading misinformation about public safety is something that is really disheartening for him to see in the community. He felt the most important function of government was public safety - not the other things like pickleball courts, picnic shelters, or other similar issues that seem to be a higher priority for Orono. The Orono Fire Department is taking over service on July 1, 2024 in an area that is frequently referred to as the Navarre/Casco Point area, but is really about one-third of the southwestern corner of their city. He mentioned that only about a one-third of the area that they are taking over has fire hydrants, which means that two-thirds of the area does not have fire hydrants available. He explained that the only way to fight a fire without fire hydrants is with tanker trucks, and this issue was brought up at the last Orono City Council meeting. Orono Fire Chief Van Eyll had indicated that they were fully set up and ready to go for July 1, 2024, but when a Council member starting drilling down on that and asked more specific questions about whether the Department would have everything they needed by July 1, the response from Chief Van Eyll was initially 'hopefully'. When this Council member continued to bear down on that issue and asked for more details about when the trucks would arrive, there was a more candid response which was that their tanker truck was due to arrive on June 30, which would be the day before they are taking over service. Mayor Miner mentioned that he has run Police car fleets, has never had a Police car show up on time, and noted that he knew that the same was true for fire trucks. Fire trucks, particularly in the post-pandemic era, never show up on time, which means that the Orono truck is almost guaranteed not to arrive on June 30, 2024. Orono Fire Chief Van Eyll's response when questioned more closely was that they would rely on other departments for mutual aid and auto aid. Mayor Miner stressed that he felt that any Fire Department that is going into service should be prepared from the start to provide that service, including having the appropriate equipment and not just automatically relying on other departments. He stated that the Orono Fire Department also does not have a medical or rescue vehicle, and Orono Fire Chief Van Eyll had confirmed the vehicle was not due to arrive until the end of July or August. He reiterated that the initial statement by Orono Fire Chief Van Eyll was that the vehicles would 'hopefully' be delivered and ready by July 1, 2024, but now they are learning that it is actually likely the end of July or August. He added that this delay was not their fault - Long Lake had ordered the same exact rescue truck well over a year ago and that has also not arrived yet because

everything is just taking longer. He indicated that he was not trying to be critical of Orono for equipment delivery delays because they have no control over that, but they do have control over their ability to extend the fire coverage date change and buy some time in order to allow them to be fully prepared to protect their residents, businesses, and members of the community. He wished Orono would do so as it would be such a simple thing for them to do and would involve no shame. He felt it was ridiculous for Orono to continually say that they set this date in June of 2023 and no matter what the circumstances are, they are going to go ahead and continue using that date. He gave the example of a military action, where adjustments are made when necessary due to weather and equipment. While this is not a military action, when you have foresight, you are able to make adjustments accordingly. He recalled that there have already been points raised by the Council about the fact that Orono does not have a boat and will not have one on July 1, even though in their needs assessment presented last June, there was a statement made that in 2024 they would begin the process of acquiring two fire boats to serve their Fire Department. Aside from the equipment aspect, there is also the personnel aspect related to firefighters. Within the needs assessment completed in June of 2023, Orono had established that when they began service on July 1, 2024, they would have 18 paid on-call firefighters and they only have 11 paid on-call firefighters currently. This subject was also covered at the Fire Forum meeting, and only nine of those firefighters are already trained, with two being brand new. Additionally, Mayor Miner had recently heard that one of the new firefighters may be considering resigning from the department which would bring their total number of firefighters down to 10. Mayor Miner concluded this would mean that on average, three firefighters would be able to turn up for a call between 10:00 pm and 6:00 am that Orono would be responsible for responding to. The coverage would be a bit better during the daytime as there will be two duty crew members responding who would be backed up by the nine paid on-call firefighters from Orono. He did not feel those numbers were enough to be sufficient. He listed off examples where their numbers may not provide enough firefighters responding such as in the event of car accidents with injuries or structure fires. He quoted from Orono's needs assessment which stated that "the first five minutes of an incident will dictate how the next five hours will go". He clarified that he believed the importance of that statement is that Orono would not have a tanker truck on the scene or the adequate number of firefighters needed. He shared that part of the ongoing conversation between the City and Orono for the last six years has been the concept of why Long Lake wouldn't just simply become a customer of the Orono Fire Department, close down the Long Lake Fire Department, and turn it over to Orono. He reflected that the examples he just shared were a clear-cut case of why Long Lake would not do that, because they are not even being honest with their own residents or business owners about their lack of preparedness or having the needed equipment. Mayor Miner's feeling is that they if they cannot expect Orono to be candid with their residents, they certainly cannot expect them to be candid with Long Lake, and he imagined that other cities that would consider having fire service provided by Orono would think the same thing. He commented that his intent was not to go on a bashing session against the City of Orono, which Orono had essentially had done to Long Lake at their recent Council meeting; however, he felt that Long Lake has always tried to be the 'nice people' that were public safety minded in this situation. He reiterated that he just wished that Orono would take advantage of the City's offer to extend the coverage date by a few months in order for them to be able to get everything ready to go, be able to do more training, and also to get the equipment that they need to be able to put out fires and respond to car accidents. Orono will really only have one engine that can be used to respond because they are going to use a fire engine to respond to medical calls, which means that if they are doing that and another call comes in, he does not see a way for them to respond other than completely by mutual aid. He indicated that the Long Lake Fire Department has several vehicles that can be used to respond to a multi-incident scenario, which is not an uncommon occurrence, and Orono simply does not have the equipment to be able to respond to multiple calls at the same time. He voiced that he had just wanted to touch on some of the frustrations he has had with this situation as well as the looming July 1 deadline. Long Lake will be sending a letter to Orono by the

end of the week regarding the boat issue; but it was his desire to be able to share one last plea for Orono to do what is right for public safety for their residents and businesses, hit the pause button for a bit, and there would be no shame in making that decision.

OTHER BUSINESS

Fire Chief Updates - Fire Chief Heiland informed the Council that there are two firefighters that completed their Firefighter 1, Firefighter 2, and Hazmat training and were preparing for their EMR training. There is one firefighter who is currently in Firefighter 1 training, and another individual that lives in Tonka Bay who just passed their background and medical checks as well as the psych evaluation and is ready to respond to Station 2. Another firefighter has passed the background check and is just waiting on the medical check. He noted that there are three firefighters that have been fingerprinted and are awaiting their background checks. Additionally, they had received one application that is still outstanding for the background check process. Chief Heiland also shared that next Monday, Excelsior will bring out their engine that the City will be purchasing in order for it to be used in a training drill, so they will be able to 'kick the tires' and have a chance to look it over. Council member Kvale questioned when that engine would officially be delivered to the Department. Chief Heiland anticipated that it should happen sometime in September when Excelsior's new truck is delivered. He advised that the Department is about halfway through their hose testing, with duty crews working hard on the task. He noted that he will be meeting with Wayzata again on June 21, 2024 in order to get the two Fire Departments together to discuss some future possibilities regarding working together. The Wayzata Art Experience will be held this coming weekend and the Long Lake Fire Department will send a few people over on Friday and Saturday to work with the Wayzata Fire Department for standby services at the event. Wayzata is also having a picnic for their firefighters on July 18, so the Long Lake Fire Department will also be doing stand-by at their station for that event as well.

Mayor Miner had noticed that there seemed to have been a lot of calls throughout the month of June. Chief Heiland responded that higher call volume is pretty typical for the current time of year and added that July is usually the busiest month of the year. Council member Dyvik mentioned that he believed there had also been two calls to the bay areas that were discussed earlier in the meeting. Chief Heiland confirmed there were two calls to the Forest Lake Bay and North Arm Bay areas.

Chief Heiland indicated that if all the pending firefighters make it through the screening/training process and are hired, the Department will have 47 firefighters. Council member Kvale asked if the new firefighter that lives in Tonka Bay also served on the Excelsior Fire District. Chief Heiland replied that he was a member of the Excelsior Fire District Department which meant he was trained and ready to go. He shared that he had served with him for about three months while he was at Excelsior and had found him to be a really great guy. Council member Dyvik stated that he felt this was good thing because the City needs more duty crew participation at Station 2.

Meeting and Holiday Notes - Mayor Miner reminded everyone that the City offices would be closed on June 19, 2024 in honor of the Juneteenth holiday. As the Council had voted earlier in the meeting to cancel the July 2, 2024 regular City Council meeting, their next meeting would be July 16, 2024. He added that he would leave it in staff's hands to determine whether they needed to also hold a work session or closed session on that night as well.

Revisiting Draft Letter to Orono, Coverage Area Changes - Council member Dyvik asked whether the Council needed to provide staff direction on the letter being sent to Orono if Council's intent would be to request a signed contract modification regarding adding the bay areas back into the contract. Council

member Kvale emphasized that she felt it was important to do so and reiterated that it would be good to have a defined contract as coverage for the bays would be an addition to the current contract terms. Council member Dyvik repeated that there has currently been no documentation about Orono's intent for the LLFD to cover the bays within their CAD zones, other than the email conversation between Orono Fire Chief Van Eyll and County Dispatch. Council member Kvale indicated that there are terms that need to be outlined and she felt there should be an addendum to the current contract. She understood that there may be an issue with how the City charges for the added coverage, but stated that it should partly be calculated based on call volume and property values as that is what the formula in the agreement is based on. She mentioned that if Council members were available, it may not be a bad idea for the Council to hold a work session the following week in order to discuss some of those details. Council member Dyvik reflected that he thought there would need to be some kind of different arrangement utilized to calculate a contract fee because he did not believe these particular areas could follow the formula exactly. Moeller cautioned that the Council would probably not be able to get something in contract form to Orono before their next meeting, so there would likely not be any possibility of Orono taking action on the issue prior to the July 1 coverage date. Mayor Miner noted that the City needed to get the letter to Orono prior to their next meeting, but Long Lake would not have a response from them prior to holding a work session meeting. Moeller observed that Long Lake also cannot anticipate what the response from Orono may be, and was a bit uncertain whether holding an additional work session meeting the following Monday night would accomplish anything in time.

Mayor Miner asked if staff was clear about what they have heard from the Council and would be able to work with the City Attorney to make final letter revisions. City Administrator Weske clarified that his understanding was that the Council would be giving feedback on the draft letter and then he would work with City Attorney Thames to send the letter out to Orono by the end of the day on Thursday. Mayor Miner had captured a few things discussed during the work session that he would send to staff along with a few suggestions on items to add to the letter. He encouraged staff to ask City Attorney Thames if he believed another closed session meeting would be warranted in the next few weeks.

Council member Kvale commented that there is kind of a sticky issue in looking at how Hennepin County will page out calls to the bay areas because if Long Lake is not contractually obligated to respond, she did not think that the Long Lake Fire Department should be the first Fire Department paged for areas that they are not covering. Council member Feldmann responded that the Long Lake Fire Department should get called, while Council member Dyvik observed that he did not believe there was any other option. Council member Kvale clarified that contractually, the Long Lake Fire Department did not have an obligation to respond. Council member Dyvik replied that he understood that, but he felt it was a matter of public safety. Council member Feldmann asked if Council member Kvale was saying that the Long Lake Fire Department should not be on the first page, but that the Orono Fire Department should get paged and then they can hit the mutual aid button. Council member Kvale confirmed that was her thought process and reiterated that Orono had contractually removed the bay areas. Mayor Miner added that he would assume the paging had already been programmed. Council member Kvale reiterated that she felt that Long Lake should say that they are not technically the primary responder and should not be first to be paged. It was her opinion that that the City should actually notify Hennepin County that they have no legal obligation to respond because the bay areas had specifically been pulled by Orono. She questioned why they even have a contract or a notice requirement if the terms were not meant to be followed.

Moeller clarified that she believes that Council member Kvale was stating that the Long Lake Fire Department should respond, but only via mutual or auto aid. Council member Kvale confirmed that was her point. Council member Feldmann voiced that he appreciated the clarification because otherwise it

may have sounded a bit harsh - public safety is number one so they need to make sure it is covered. He believed the point being made by Council member Kvale was that the reality is that Orono extracted this area and the contract says that Long Lake has no obligation to respond. Long Lake knows that Orono is not ready and cannot do this, but also knows that these are real people and lives at stake in this area, so he therefore Long Lake needed to be the 'adults in the room' and respond to the bay areas. He understood Council member Kvale's idea to have it be paged out to Orono and then have it become mutual aid, but felt that practically speaking that may be too hard to do with short notice.

Council member Kvale repeated her point that the City should send a notice to Hennepin County that right now, Long Lake was not under contract to respond to the bay areas, and Dispatch should be directed to assign Orono Fire Department as the first page for those calls with the Long Lake Fire Department paged as mutual aid or auto aid partners. She voiced concern about liability issues. Weske confirmed that as of right now, with Long Lake Fire Department as the primary, the liability would fall upon them as the responsible party. He added that if paging was established as auto aid or mutual aid, his understanding is that the primary would have primary liability. Council member Kvale asked if it would even be under the City's liability insurance because the areas of concern were removed from the contract. Weske responded that is why it may be advisable to have the subject subzones changed to an auto or mutual aid. He noted that he did not think it would take much to make that change to paging for the two sub CAD zones in question, but was not certain.

Council member Dyvik asked if they could speak to Dispatch and ask what it would take to make Orono the primary page, but the Long Lake Fire Department would respond by auto or mutual aid right away. Fire Chief Heiland clarified that it could be set up so the Long Lake Fire Department is auto aided on the first page. Council member Dyvik indicated that as of right now, Dispatch has it set up that starting on July 1, 2024, calls for the bay area subzones will be paged to the Long Lake Fire Department. He commented that what he thinks Council member Kvale is proposing would not change the response times to the area because the Long Lake Fire Department will respond, but they would not be considered the primary; therefore, this approach would not put public safety at risk, while also reflecting that the bay coverage is not under contract. Council member Kvale noted that her idea would be that the Long Lake Fire Department would respond, but would not be primarily responsible, as outlined in the contract. Council member Dyvik commented that if the paging is handled this way, it would not require a contract modification because the City would be saying that they would honor Orono's request from June of 2023 to pull that service area, and would respond with mutual aid for those calls.

Council members held discussion regarding the use of auto/mutual aid and their concerns about it being used as a primary response mechanism.

Chief Heiland stated that he would have to check and see what it would take to get the two bay area CAD subzones switched to Orono Fire Department as the primary and Long Lake Fire Department as mutual or auto aid.

Mayor Miner asked staff to work out these details and figure out the best way to handle this alongside City Attorney Thames. He stressed that the main thing to remember is that every second counts. There cannot be any ambiguity on who is responding, and the response needs to be able to take place immediately and not be delayed.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 7:44 pm.

Respectfully submitted,

Scott Weske
City Administrator