



CITY OF  
**LONG LAKE**

## **City Council Agenda Report**

### **City of Long Lake**

450 Virginia Avenue, PO Box 606

Long Lake, MN 55356

**MEETING DATE / March 7, 2024**

**SUBJECT:** Discuss and Consider Adoption of a Resolution Memorializing that Long Lake Has Not and Does Not Agree With or Consent to Orono’s Proposed Construction of an Orono Fire Structure Adjacent to Fire Station 2 Located at 3770 Shoreline Drive

**Prepared By:** Scott Weske, City Administrator

**Report Date:** 3/07/2024

### **Recommended City Council Action**

Staff recommends the following:

Motion 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 meeting.

### **Overview / Background**

On June 12, 2023, the Orono City Council passed a Resolution stating Orono will resume responsibility for the operation and maintenance of the Navarre Fire Station no later than July 1, 2024 and notified the City of Long Lake and the City of Medina that it was reducing its Fire Service Area beginning on July 1, 2024.

On June 23, 2023, the City of Long Lake (“the City”), through legal counsel, filed a Notice of Motion and Motion for Preliminary Injunction related to Orono’s resolution and other breaches and planned breaches of the contracts and addendums between the two cities and the Medina related to fire service and fire facilities.

On July 14, 2023, Hennepin County District Court Judge Laurie Miller issued a Motion for Temporary Injunctive Relief in the case City of Long Lake vs. City of Orono. Item 4 of the Order stated, “The City of Orono is temporarily enjoined from using, or hindering the City of Long Lake’s use of, Fire Station 1 and Fire Station 2 before the end of this litigation, except to the extent the City of Long Lake agrees to such use.

Orono has devised a plan to construct a new fire structure adjacent to Station 2 for the use of Orono and its potential fire department. Orono’s City Administrator provided the Long Lake City Administrator and City Attorney plans for the structure, including most recently on January 29<sup>th</sup>, 2024.

The City’s Administrator and City Attorney requested information and clarification about the plans and detailed many concerns about the design and use of through meetings and written correspondence with Orono and its representatives and the most recent questions and concerns posed to Orono regarding the proposed new structure were sent by Long Lake on February 8, 2024, through its City Attorney.

The concerns were primarily related to the clear incongruence between Orono’s use narrative for purposes of compliance reviews and Orono’s concurrent statements of intent for actual use of the structure. Orono has

repeatedly and consistently stated publicly that the proposed new structure will be used exclusively for Orono fire department operations, and that Orono firefighters will respond to this structure during emergencies. However, Orono has refused to meaningfully review the impact of this stated intended use by evaluating, illustratively, considerations such as: dual use access and parking, intensified emergency vehicle maneuvering and obstruction concerns, required infrastructure and occupancy concerns for a separate use, and multiple dual emergency response issues created by the intended use. Instead, Orono has conducted an extremely minimal review of the use compliance by characterizing it as an “accessory use” and claiming, for review purposes, that the use is accessory to LLFD’s use of Station 2.

Orono’s City Code dictates that an “accessory use” must be “subordinate to and serving the principal use or building on the same lot and customarily incidental to the principal use or building” and Orono representatives have made clear that the proposed structure will not be subordinate to Station 2, and will instead be used by Orono as an independent structure for the delivery of separate fire services by the Orono fire department.

In addition to confirming that it is Orono’s intent to continue down this path of improper and insufficient review, in a letter dated February 22, 2024, the Orono City Attorney also indicated that he would recommend that the proposed construction proceed with “an administrative review only”. He further opined that “Orono’s City Code and procedures ultimately control the review and approval of this proposed project...and there are no restrictions in the City Code or **applicable agreement** that prohibit the City from giving permission for the accessory structure plans to go forward” (emphasis added).

On November 21, 2023, Hennepin County District Court Judge Laurie Miller issued an Order for Contempt against Orono. Among other findings of contempt, Judge Miller stated, “10. The Court finds that Long Lake established, by a preponderance of the evidence, that Orono willfully disobeyed the Court’s Order for Temporary Injunction by taking concrete steps in planning to construct a building immediately adjacent to Fire Station 2 in early 2024, without consulting with Long Lake, informing Long Lake of the developing plans, or involving Long Lake in the planning process.

The July 14, 2023 Order clearly defined the actions Orono must not take: Orono was enjoined from “using . . . Fire Station 1 and Fire Station 2 before the end of this litigation, except to the extent the City of Long Lake agrees to such use” and from “directly or indirectly committing any violation of the Contract for Fire Protection,” which gives Long Lake full authority over the operation of Fire Station 2.

On February 23, 2024, Orono published their City Council Agenda for February 26, 2024. The agenda included an Item 13 prepared by their City Administrator stating, “COUNCIL ACTION REQUESTED - Motion to award a contract to Ebert Construction for \$1,147,000 for the construction of a garage facility at 3770 Shoreline Drive.” As noted earlier, 3770 Shoreline Drive is the location of LLFD Station 2. This item was placed on Orono’s agenda even though the City had not agreed to, or even been approached to approve, construction plans. A few hours after releasing this agenda item, Orono released a new agenda that no longer had this item. When asked about it during the council meeting on February 26, Mayor Walsh stated it was taken off the agenda because it needed some “fine tuning” before being placed on the agenda again for their next meeting, which is on March 11, 2024.

### **Supporting Information**

- Resolution No. 2024-12