



**City Council
Resolution No. 2024-12**

**A RESOLUTION MEMORIALIZING THAT THE CITY OF 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**

WHEREAS, the City of Long Lake (hereinafter referred to as "the City") maintains "all activities and operations" at Long Lake Fire Department ("LLFD") Station 2, located at 3770 Shoreline Drive in Orono through December 31, 2025 (the "Property") as specified in the Addendum to Contract for Fire Protection dated December 12, 2011 between the City and the City of Orono ("Orono"); and

WHEREAS, on June 12, 2023, the Orono City Council passed Resolution 7374 stating Orono "will resume responsibility for the operation and maintenance of the Navarre Fire Station no later than July 1, 2024;" and

WHEREAS, in a letter dated June 15, 2023, Orono notified the City and the City of Medina ("Medina") that it was reducing its Fire Service Area beginning on July 1, 2024. The reduced area involves approximately one-third of the southwestern corner of Orono; and

WHEREAS, on June 23, 2023, the City, through legal counsel, filed a Notice of Motion and Motion for Preliminary Injunction related to Orono's Resolution 7374 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; and

WHEREAS, 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;" and

WHEREAS, 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, 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

WHEREAS, 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; and

WHEREAS, 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

WHEREAS, 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; and

WHEREAS, 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); and

WHEREAS, 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” (emphasis was used by Judge Miller) 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; and

WHEREAS, the Order of Contempt resulted in a court hearing with Judge Miller on February 1, 2024. During the hearing, witnesses, including a recognized expert in fire services, testified on behalf of the City regarding several ways in which Orono’s proposed structure would hinder the City and its fire department’s use of Station 2. Some of the hindrances and concerns mentioned included:

- The extreme safety hazard firefighters would be placed in when backing fire apparatus into the proposed garage after each call and on other occasions due to the proposed curve design.
- The blockage of the LLFD bays anytime the Orono facility is accessed due to the proposed driveway curve design.
- The disruption construction would cause to utility services, particularly electrical and water services.
- Construction vehicles and equipment blocking the LLFD bays, especially during the installation of the curb cut directly in front of Station 2 and the removal of 10-15 dump trucks of dirt from the north side of Station 2.

- Construction interference with Station 2 access and use which, due to present utilization patterns, may not be discovered until an emergency occurs and which LLFD may lack the ability to immediately address.
- The proposed structure’s reliance on Station 2 for restrooms, an eye washing station, a climate-controlled area, and other essential amenities.
- Parking issues which may occur during simultaneous call response for both departments.
- The significant amount of time the City’s Fire Chief would be required to spend communicating with project representatives and coordinating the various disruptions to the facility as opposed to focusing on the important duties of being a Fire Chief for our community.
- Further risks for recruitment and intimidation of LLFD members by City of Orono officials.
- Various other operational hindrances and firefighter moral injury concerns related to having firefighters from two fire departments operating out of one fire facility.

WHEREAS, 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 of Long Lake 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; and

WHEREAS, in Section 48 of Judge Miller’s November 21, 2023, Order for Contempt, Judge Miller wrote “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” (emphasis was used by Judge Miller). Due to the previously mentioned issues, concerns, and hindrances, the City has not agreed and does not agree to the current version of Orono’s proposed structure construction plans that have been provided to the City and therefore does not approve or consent to any construction project(s) on the Property; and

WHEREAS, the City Administrator of the City of Long Lake or designee shall electronically mail a signed copy of this Resolution to Orono City Administrator Adam Edwards and the Orono City Attorney on March 8, 2024, and request that the Resolution be provided to all five members of the Orono City Council prior to their Council meeting on March 11, 2024; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Long Lake hereby states that the City of Long Lake has not and does not agree with or consent to the current version of Orono’s new structure construction plans on the Station 2 property.

Adopted by the City Council of the City of Long Lake this 7th day of March, 2024.

ATTEST:

BY:

Jeanette Moeller, City Clerk

Charlie Miner, Mayor