



MINUTES
CITY COUNCIL WORK SESSION
June 18, 2024

CALL TO ORDER

The meeting was called to order at 5:46 pm.

Present: Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce (attended remotely via interactive technology), and Deirdre Kvale

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

Absent: None

APPROVE AGENDA

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

OPEN CORRESPONDENCE

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

BUSINESS ITEMS

Discussion of Continued Fire Services Related Matters

Mayor Miner clarified that tonight's meeting would not be a closed session.

The Council discussed the possibility of having a closed session meeting sometime in the nearby future, if the legal consultants would be available.

Mayor Miner indicated that the Council will be receiving an email from their legal special counsel in the next day or two that will provide details of what took place during the most recent mediation session. Mayor Miner and Council member Dyvik had attended the mediation session; however, once again, the two sides were not able to come to any type of agreement. A Listserv message may be sent in the coming days to offer residents a summary of what had occurred, but the message would not be able to give detailed information under the terms of mediation. He read aloud a portion of what he felt should be included in a Listserv message. He mentioned that Orono Mayor Walsh attended the mediation wearing shorts and flip flops, which he felt had set the tone for the City on how much respect he was choosing to give to the mediation efforts. He explained that City Administrator Weske had sent a letter to Orono about a month ago regarding the looming July 1, 2024 deadline and attempted to encourage Orono to allow for an extension of the contract because the Orono Fire Department would not actually be ready by that date. Orono had responded to the letter by indicating that they were not interested in pushing the date out a bit. He commented that now that mediation has ended, he believes the City, via City Administrator Weske, should respond to that letter and reviewed some of the correspondence that has been sent back and forth between the two cities.

Council member Dyvik admitted that he may have jumped the gun a bit when he responded to the letter that was sent by Orono City Administrator Edwards and shared that it had 'set him off' a bit because it was so full of untruthful statements. He clarified that the response he'd sent was just from him, but he hoped it had not muddied the waters and noted that perhaps he should have waited a bit so for an official statement to be sent from the City. He explained that he had just wanted to give his thoughts on the letter because there were lives at stake in this situation.

Council member Kvale voiced that she'd reviewed the agreement and contract for the fire services protection dated 2002 and found that it went into a lot of detail about command responsibilities, command in a fire emergency on arrival at the scene, operational responsibilities, and also covered liability insurance information. She observed that there are a lot of details in the contract including a provision for removing fire service area that has a notice requirement. She read aloud language from the contract agreement and recalled that Orono had provided notice on June 15, 2023 of a reduction in their fire services area coverage beginning July 1, 2024. She referenced 'Exhibit A' that was attached to the letter received by the City, which was a map that showed an entire area with several bodies of water included in it as the area Orono would be removing from the Long Lake fire services area. She explained that it was described as the area highlighted in orange of CAD zones 75F200 and 75F210. She noted that on June 10, 2024 the City received a letter from Orono documenting that Orono was not prepared to serve particular bodies of water within their service coverage area, and would like to add those areas back into the contract. Under the contract provision she had read aloud earlier, she reflected that the water body areas could be added back into the contract, but the recent notice was received outside of the required notice period to do so. She emphasized that for Long Lake to provide fire services, it should be under a contract. She indicated that the issue is a matter of public safety and believed that there could be discussion about waiving the notice requirement in order to allow Orono to add this back into the contract. She summarized that she felt this was really a contractual matter, and she believed that if Orono desires to add any area back in, it should happen within a formal process where it becomes part of the terms of the contract.

Council member Dyvik highlighted that in the letter from Orono, it was stated that they 'intended' the notification to be for the land areas only, and not intended to apply to the CAD zones on Lake Minnetonka itself.

Council member Kvale stated that she did not feel that 'intent' was part of the notice. Under the contract terms, Orono's recent letter is a request to add back in certain areas of the service area, and that is outside of the notice requirements. She pointed out that she felt their original notice in June of 2023 was clear that they wanted this entire area removed from the contract.

Council member Feldmann stated that he agreed that it was clear.

Council member Dyvik also agreed that he felt it had not Orono's intention originally to exclude those water areas, but now, because they do not have a boat, they do not have a choice. Within Orono's needs assessment that was presented to the City around the same time that the letter was sent to Long Lake, they said that they needed two boats to cover their water areas.

Council member Kvale reiterated that she felt the additional coverage needed to be brought back in under the terms of the contract.

Council member Dyvik recalled that he had asked the representatives from Orono when they would be taking over coverage of the water areas and their answer was that it would be in January of 2026.

Mayor Miner mentioned that there is some language about this situation included in a proposed draft response letter. He commented that he thinks the City needs to be clear about the fact that Long Lake is willing to cover the water areas because public safety is more important than a contract.

Council member Kvale reiterated that she felt the additional coverage needed to be handled through a contract because it will put Long Lake at risk for liability. From her perspective, Long Lake is willing to bring them back into the contract, but Orono needs to actually say that is what they desire. She noted that Orono could choose to make other arrangements and would not have to rely on the Long Lake Fire Department.

Council member Dyvik agreed that the Orono City Council should have to take official action and request that Long Lake Fire Department cover the subzones even though it was contractually beyond the notice requirement.

Council member Kvale stated that in light of the public safety implications, she would believe Long Lake was willing to waive the notice requirements.

Council member Feldmann added that what he had found frustrating is that the recent letter from Orono alleged that the City of Long Lake was the only one confused by this situation. He explained that he had reviewed an email thread involving Hennepin County Dispatch and it was very clear that it was only the City of Orono that knew of the intent for the water areas to continue to be covered by the Long Lake Fire Department.

Council member Dyvik advised that on May 30, 2024, Hennepin County Dispatch had sent an email that said, 'On July 1, the Forest Lake zone will transfer to Orono, correct?'. That statement confirmed the Hennepin County Dispatch office thought that on July 1, 2024, the Forest Lake Bay area was going to be covered by Orono. That email exchange was where the recent conversation had gotten started because the email went to Assistant Fire Chief Farley who then contacted Orono Fire Chief Van Eyll, asked what was going on, and was told that Long Lake Fire Department would be covering the water areas.

Council member Feldmann asserted that what he found baffling was that the reason this issue had been raised was because the Orono's fire leadership knew the inadequacies that the Orono Fire Department had and realized that Long Lake would have to cover the subzones.

Council member Dyvik indicated he had asked Assistant Fire Chief Farley about this assumption that Long Lake would have to cover the subzones at the recent Fire Advisory Board meeting and whether it was by default, and because he knew Orono did not have a boat, and his answer was 'yes'. He stressed that Long Lake was never told this information by Orono.

Council member Feldmann commented that Long Lake's Fire Department leadership was paying attention to this situation out of care for the residents, and the knowledge that the Orono Fire Department was not ready to cover the subzones.

Council member Dyvik voiced that essentially the idea appears to have been that the Long Lake Fire Department leadership were supposed to be mind readers and know Orono's intentions without them having to actually specifically say anything. He suspected that when they had given the original notice to remove their service area, they had expected to have a boat by now.

Council member Kvale repeated that in June 2023, Orono had clearly removed the entire CAD zone service areas, including the water within, because the areas were all included in the coverage exhibit highlighted in orange on the map they provided. This is a mistake that can be easily corrected by Orono.

Mayor Miner stated that he would like to get the draft letter sent from Long Lake to Orono tomorrow so it will be received well ahead of Orono's Council meeting.

City Clerk Moeller reminded the Council that both City offices will be closed on June 19, 2024 for the Juneteenth holiday.

Council member Kvale shared that she liked that there were three options laid out in the letter for Orono's consideration.

Mayor Miner explained that his thought with laying out the options proposed was that he did not want to give the suggestion, which has been the narrative coming from Orono, that Long Lake did not want to cover the water area subzones. He confirmed that Long Lake is more than willing to cover the areas but simply wishes that Long Lake would have been consulted about doing so before the last minute.

Council member Kvale reiterated that she would just like to see these areas covered under the contract.

Council member Dyvik suggested that Long Lake send a contract modification letter to Orono that states that Long Lake will cover these subzones and have them sign it.

City Administrator Weske observed that they could also say something like, 'per your letter, Long Lake is not contractually obligated to cover these two CAD subzones', and then outline three options for them moving forward. Long Lake could cover the impacted areas as a subcontracted service for a specified dollar amount and would not need to have Medina involved.

Council member Kvale clarified that she felt the additional coverage should be handled under the same terms as the current contract. She asked if Medina had signed the addendum to the contract for Station 2.

Weske recalled that the Station 2 addendum was passed by both parties. He pointed out that adding in service areas brings in more land to carry, thereby affecting the budget differently as more resources are needed. He explained that subtracting services areas was easier than adding in service areas.

Council member Kvale stated that she would support an addendum that references the original contract to add certain coverage service areas back in, if that is what Orono wants to do.

Council member Dyvik concluded that Orono seems to think the matter is a non-issue, but he would agree that the coverage needs to be reflected in a contract. He commented that it was important to note that Long Lake would not sacrifice public safety or leave people unprotected.

Council member Kvale reiterated that there is a contract and if Long Lake takes on this service area it would also be taking on additional liability. She gave the example of the City of Plymouth not having any obligation to come to Long Lake and provide fire services under mutual aid, and noted that mutual aid was very different than being the designated first responder.

Council member Feldmann inquired whether staff was aware of any areas where mutual aid was the first line of defense.

Fire Chief Heiland responded that there is auto aid, and gave an explanation of how auto aid worked. He offered the example of a call that came in near the Narrows Bridge in which Excelsior Fire District would be 'auto aided' to the area and would technically be the first alarm.

Council member Dyvik asked who decided what calls would be designated as auto aid.

Weske clarified that the designation is something that the Chiefs have already established together.

Council member Kvale questioned whether there were written agreements related to auto aid.

Heiland replied that there were written agreements and explained that arrangements have to go through Dispatch as well to ensure that the appropriate agencies are paged out.

Mayor Miner indicated that Orono Fire Chief Van Eyll had made a statement last week that they were auto aiding for tanker trucks.

Council member Kvale asked if a tanker truck was the type of vehicle that Orono Fire would need to respond to all of the fires in the areas that do not have hydrants.

Mayor Miner responded affirmatively and noted that tanker trucks from other fire departments would be the only tanker truck on scene until Orono has their tanker truck.

Council member Feldmann questioned what equipment Orono would actually have to cover fire services because they do not have a boat or a tanker truck.

Heiland confirmed that in addition to the tanker truck, they also currently do not have a rescue vehicle. Right now, Orono has stated that Long Lake would be in the first tanker group which is different than being auto aided.

Mayor Miner brought the conversation back to the draft letter to be sent to Orono and asked that the Council give their input if they had any strong opinions on what it should or should not contain. He asked that Council members email their comments to City Administrator Weske and City Attorney Thames by 12:00 noon on June 19, 2024. He emphasized that the overall tone of the letter needs to be that Long Lake would be there to help given that Orono was ill-prepared. He stated that he does not want to make it seem like Long Lake would not cover the subzone areas but agreed that Orono has to ask for it in writing, and also to have a contract in some shape or form. He reflected that he was unsure how they would be able to get a contract put together in nine business days since that is all that remains before the July 1, 2024 coverage shift.

Council member Kvale reminded the Council that there is already a contract and the service area subzones could be put back in under those terms. She indicated there is also a formula for assessing the costs of those services.

Council member Feldmann clarified that surface water has no property value assigned to it, so that formula may not work.

Mayor Miner wondered whether they may be able to come up with a cost per call scenario or something associated with the property IDs.

Heiland raised an example of being called to the North Arm boat launch to wait for someone to come in from the lake and asked if the intent was for Long Lake to handle those calls; and whether, for example, the Long Lake Fire Department would also be covering the shore. He stated that he would assume the answer to those questions would be 'yes', but that was just an assumption.

Council member Feldmann observed that the appropriate equipment and training has to be in place in order to operate for water safety, which carries a cost. He felt that Long Lake should really take a look at what that formula may look like.

Mayor Miner asked if Long Lake should propose a formula within the letter.

Council member Feldmann agreed with Council member Kvale that the additional coverage areas need to be handled under the contract terms, but he felt they would have to wait to see what that formula may look like.

Heiland asked if the current contract was still valid.

Council member Kvale confirmed that it was still valid and would end on December 31, 2025.

Council member Feldmann stated that the contract was still valid, but with Orono's removal of this service area, they had removed something that they now want to bring back in.

Council member Kvale reiterated that Long Lake would likely waive contract notice requirements to facilitate adding the subzones back in, in light of public safety implications.

Council member Feldmann indicated that the question would then be what the cost would be for servicing those subzones.

Council member Joyce reflected that she thought the overall message of the draft letter was well done.

OTHER BUSINESS

No other business was discussed.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 6:25 pm.

Respectfully submitted,

Scott Weske
City Administrator