



**MINUTES
CITY COUNCIL MEETING
November 21, 2023**

CALL TO ORDER

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

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

Staff Present: City Administrator: Scott Weske; and City Clerk: Jeanette Moeller

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 indicated that the Council had met in a work session prior to the regular meeting at which the sole topic of conversation was a possible partnership with the LMCC for use of a City facility for their operations when they sell their current building.

He reported that last week, the Council, along with City staff, went to Excelsior for a bonding tour with the Minnesota House of Representatives Capital Investments Committee and presented a road improvement project for their consideration of funding support in an upcoming bonding bill. He expressed his appreciation to Representative Andrew Myers for making arrangements for Long Lake to have an opportunity to be a part of the bonding tour. It is likely the City will not find out the outcome of their request until February or March of 2024.

The Fire Department will be hosting an upcoming event an email had been sent out with some of the details. City Clerk Moeller added that the Fire Department Slow Burn Brigade's Annual Toy and Food Drive will take place December 2, 2023.

Mayor Miner noted that the City's Holiday Tree Lighting Event will take place on December 8, 2023 at 5:30 pm at Holbrook Park.

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 November 6, 2023 City Council Work Session Meeting
- B. Approve Minutes of November 6, 2023 City Council Regular Meeting
- C. Receive Unofficial Draft Minutes of October 16, 2023 Park Board Meeting

- D. Approve Vendor Claims and Payroll
- E. Accept the Resignation of Firefighter Paul Kubista from the Long Lake Fire Department
- F. Accept the Resignation of Firefighter Sam Paulison from the Long Lake Fire Department
- G. Adopt Resolution No. 2023-45 Reappointing Anita Secord to Continue as a member on the Planning Commission for a term effective January 1, 2024 through December 31, 2027
- H. Adopt Resolution No. 2023-46 Approving Issuance of Special Event Permit #S2023-12 for the 2023 Long Lake Holiday Tree Lighting Ceremony in Holbrook Park on Friday, December 8, 2023; and Approve Issuance of a Noise Variance Permit Authorizing Use of Sound Amplification Equipment
- I. Adopt Resolution No. 2023-47 Approving Issuance of Special Event Permit #S2023-13 for Sled Dog Days at Birch's on the Lake to be held on dates on January and February, 2024; and Authorize the Hennepin County Sheriff's Office Water Patrol Unit to permit the event
- J. Adopt Resolution No. 2023-48 Accepting a Donation to the Long Lake Public Works Department of 3,000 LED Holiday Lights to Decorate the Holiday Tree in Holbrook Park

Mayor Miner drew attention to Consent Agenda Items E and F which were accepting the resignations of two Long Lake firefighters, reflecting that the City had appreciated their service to the Department. Both of the firefighters were leaving due to changes in their job situations and both, for the time being, are getting out of the firefighter business. He observed that recruitment and retention are the biggest issues facing fire departments these days and added that on a positive note, Chief Heiland had informed him that there are three applicants currently working through the hiring process and he was hopeful that they may be ready to be hired by the end of 2023.

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

OPEN CORRESPONDENCE

Mike Bash, 1680 Bollum Lane (Orono School Board) – Mr. Bash explained that he was speaking as Chair of the Orono School Board to invite the Council and Long Lake residents to participate in their upcoming strategic planning process. He provided information about the availability of a community survey and advised how people can fill it out to assist them in this process. Council member Kvale asked if this was the first time the Orono School District had put this type of survey out to the entire community. Mr. Bash replied that he believed it may be the first time and noted that when they conducted strategic planning five years ago they'd had a core planning team, but he was unable to recall how the community may have been surveyed at that time and before. Council member Kvale commented that she felt the School District may receive a lot of response data, but she believed the survey was a great idea.

Brian Miller, 295 Lakeview Avenue – Mr. Miller commended the City Council and City staff for the work they do on behalf of the City and wished them all a Happy Thanksgiving.

BUSINESS ITEMS

Updates and Discussion Regarding Fire Department Matters

Mayor Miner reported that a lot has occurred over the last few weeks with relation to Fire Department matters. A Fire Advisory Board meeting had been held last week, which was their sixth of the year, and was held at the request of Orono to try to answer their questions regarding duty crews and ultimately to gain their approval of the 2024 budget. Chief Heiland provided them with an update on the success he

has had with the duty crew pilot program. Mayor Miner explained that the increase in the budget for 2024 is tied to funding duty crews and raises for the firefighters, and pointed out that following a rate study, they'd found that the Long Lake firefighters were not making as much as many of their peers in the surrounding areas. Though Orono has requested a change in service area starting July 1, 2024, Long Lake firefighters will serve Orono all through 2024 and 2025. He noted that they are hopeful the Orono City Council will approve the proposed budget at their December 11, 2023 meeting without other strings attached that may be related to negotiations between the cities.

Mayor Miner also advised that earlier in the afternoon, a Hennepin County District Court Judge issued an order to hold the City of Orono in contempt of court. He gave a brief overview of the situation, actions taken by Orono, various communication efforts, and how things got to this point in the legal system. He noted that all Long Lake really wants is for Orono to adhere to the contract that has been in place for the last 20 years or so. Long Lake had begun to see signs that Orono was violating the Judge's temporary injunction order beginning in July/August which resulted in the latest action finding Orono in contempt. Both cities had filed legal documents surrounding this matter, Long Lake is trying to be as transparent as possible throughout the process, and more information can be found on the City's website under the Fire Services Updates tab. He encouraged people to take a look at the documentation from both cities. The recent order from the District Court Judge mentions issues like firefighter recruitment and actions related to Station 2. A City ListServ message will soon be sent out to residents giving additional details. He emphasized that the Long Lake Fire Department will continue to provide great service to the communities it serves. The Judge's ruling concluded with the order that Orono will pay for Long Lake's legal fees and also deemed that they pay a fine of \$2,000 for each instance of any future contact with firefighters for purposes of recruitment or violations regarding the fire stations without involving Long Lake in the planning process. He reflected that he did not think anybody set out to take a neighboring city to court, but ultimately he felt personally vindicated that Long Lake has done the right thing and held their ground throughout this process. He reiterated that Long Lake simply wants Orono to uphold and abide by the contract. Additional court dates will be coming up in the future and he reminded residents that information regarding the ongoing legal proceedings can be found on the City's website.

Council member Joyce stated that she appreciates that the District Court Judge had seen what has been going on with the situation because this isn't a game or a business – this is a public safety service provided for the community, and it is very important that it not be tampered with.

Council member Kvale commented that Mayor Miner had done a good job of summarizing the situation but added that there was a lot more detail within the order that was issued.

Mayor Miner mentioned that this is a very unique situation and he did not believe there had been another situation in the State where one city had sued another and the other city was found to be in contempt of court.

Council member Dyvik indicated that the Fire Advisory Board is required to hold at least four meetings a year and, at Orono's request, they just held their sixth meeting of the year. He and Mayor Miner had supported scheduling the latest meeting because, despite everything else going on, there is still a Fire Department to support which means approving a budget for 2024. The recent meeting had been about two and a half hours long and they discussed all the duty crew data that Orono had asked for from the pilot program. As Mayor Miner had stated, the program has exceeded expectations and has had a really good response from the firefighters. He clarified that the function of the Fire Advisory Board is to review, edit, and support the budget, and not to bring in other terms/conditions from outside the

contract or about how Chief Heiland operates the Fire Department. Council member Dyvik voiced his hope that the Orono City Council will ultimately approve the proposed budget and recalled that the representatives from their City had expressed their support for the firefighter pay raises and the duty crews. He stated that 80% of the proposed increase to Orono is for the pay raise for the firefighters and the duty crew, both of which they have stated that they support; and the remainder of the increase was related to insurance costs. He added that he'd had some conversations with local residents and has found that perhaps the Council needs to clarify a few things because there are some inaccurate rumors floating around. One of the rumors is that Long Lake does not have a plan for moving forward without Orono, which is untrue. Long Lake has had discussions with neighboring fire departments and has options available, but he believes their desire is still to have a Joint Powers Agreement for fire service including Orono that is operated under an independent fire board that oversees its operation, similar to how the Excelsior Fire District operates. Another rumor was that Long Lake had pulled the Joint Powers Agreement offer to Orono off of the table. There has not been much discussion on that offer since it was made last January, but that was indeed Long Lake's primary counteroffer to Orono. Orono had not really addressed it formally and had made their decision in June to go their own way, but in his opinion, a Joint Powers Agreement involving Orono would still be Long Lake's desire because they are the City's closest neighbor. The Joint Powers Agreement counteroffer was never addressed by Orono, but it was also not removed by Long Lake. Council member Dyvik reflected that there will be a Joint Powers Agreement of some sort in the future with some other community or communities, and while he would prefer it be made with Orono, it appears that they are making decisions that show that they are not interested in that approach.

Council member Joyce asked who served on the Fire Advisory Board from Orono.

Council member Dyvik replied that the Orono representatives are their Council members Richard Crosby and Maria Veach. The Fire Advisory Board also includes Mayor Martin and Dino Deslauriers from Medina. Representatives from Minnetonka Beach attend the meetings, but do not have voting rights.

Council member Joyce questioned whether the proposed cut to the duty crew budget would negatively impact the duty crew program.

Council member Dyvik responded that he thinks they decided that they could make it work if they can get a budget approved. Right now, calls are going out as 'all calls' but once duty crews are more established, they can change that so there aren't 15 firefighters showing up for things like a medical or lift assist call, thereby resulting in savings.

Council member Joyce observed that in the long run, she felt the idea of the duty crews was for more efficiency.

Council member Dyvik explained that the idea of the duty crews was related to both efficiency and response time.

Council member Joyce pointed out that, to her, cutting the budget seems counter-intuitive.

Mayor Miner noted that there is some fallback type language in the contract if the budget is not approved.

Council member Dyvik agreed, but stated that he would like to avoid that outcome if possible because he felt that process would get complicated.

Council member Joyce noted that the measure in the contract does serve as a safety net and protects them from the worst-case scenario.

Council member Dyvik added that one other thing that Chief Heiland had stated about the duty crews was that they have enabled them to take care of a lot of details such as cleanup and maintenance at the stations. They've also been able to be involved in community engagement activities and shared a recent example of the Long Lake Fire Department having escorted the Orono Swim and Dive Team out of town when they made it into the State competition.

Jay Nygard, 1386 Rest Point Road, Orono – Mr. Nygard asked for an opportunity to address the Council. He stated that he felt the Council had accomplished something that he had been trying to do for 12 years which is to get the courts to understand that Orono does not like following the law or court orders. He commented that he felt that Long Lake did a really good job with their approach and it was very nice to see that the District Court Judge understood what was happening and that the disingenuous people involved are not those within the room. He was glad to hear that Long Lake has already started working on a community solution, but noted that the statement made that Long Lake was really hoping to work with Orono on this solution felt a bit like an abused spouse or child trying to hang out with their abuser. He indicated that he understands the position Long Lake is in, but feels that the best part is that they are still trying to do the right thing despite everything that is going on. As an Orono resident, he has greatly appreciated Long Lake's efforts in this matter and that the court had done what he sees as the right thing.

OTHER BUSINESS

Planning Commission Liaison Report - Council member Feldmann stated that the Planning Commission had met last week for a very short meeting to swear in a new member and recommend reappointment of a current member.

Congratulations to Orono Swim and Dive Team - Council member Dyvik congratulated the Orono Swim and Dive Team for taking second place at the individual State competition.

Holiday Home Decorating Contest - Mayor Miner indicated that the Holiday Home Decorating contest was coming up and an email would be sent out soon about it. He encouraged residents to participate. He wished everyone a Happy Thanksgiving.

Park Board Liaison Report - Council member Joyce shared that the Park Board had met last night at a dinner meeting to work on the Holiday Tree Lighting event coming up on December 8, 2023 at 5:30 pm at Holbrook Park. She mentioned that one of the Board members had come across some very interesting grant opportunities that they will be looking at more closely.

Holiday Office Closure - Mayor Miner advised that the City offices would be closed on November 23 and 24, 2023 in honor of the Thanksgiving holiday.

Fire Department Software - Council member Feldmann reported that he and Chief Heiland have begun looking for a more efficient software for the Fire Department to use and noted that they appear to have found quite a few options for what they can use that is less 'clunky' to operate.

Projects Welcoming Occupancy – Moeller stated that there are residents moving into both the Zvago and The Stax projects. Mayor Miner had spoken with the rental manager at The Stax who'd told him they are planning an open house for the second week of December and will be giving tours during the event.

Representative Myers' Roundtable Event – Mayor Miner reported that he had received an invitation to attend a roundtable event hosted by Representative Myers on December 11, 2023 for the cities in his district. Council member Joyce believed the entire Council had been invited and asked if the idea was for the entire Council to attend or just a representative.

Quorum Notice Preparation - Moeller asked Mayor Miner to forward a copy of the information on Representative Myers' roundtable event to her so she could prepare a quorum notice for that meeting. Council member Joyce asked Moeller to also post a quorum notice for the Holiday Tree Lighting Event.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 7:20 pm.

Respectfully submitted,

Scott Weske
City Administrator