



**MINUTES
CITY COUNCIL MEETING
August 20, 2024**

CALL TO ORDER

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

Present: Mayor Pro-Tempore: Jahn Dyvik; Council: Mike Feldmann and Deirdre Kvale

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

Absent: Mayor: Charlie Miner; Council: Gina Joyce (both with prior notice)

PLEDGE OF ALLEGIANCE

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

Mayor Pro-Tempore Dyvik offered the following comments and updates:

The EDA met prior to the Council meeting and had reviewed two concept plans for the City-owned former BP site at 1905 Wayzata Boulevard W. The EDA gave the applicants the direction to go back and make a few changes, and had also asked them to consider working together on a combined proposal.

He recognized the efforts of the Church of St. George for sponsoring their Corn Days festival, and also thanked everyone involved in coordinating the Corn Days Parade including the Long Lake Area Chamber of Commerce, the Long Lake Fire Department, and the Wayzata Police Department.

Mayor Pro-Tempore recalled that August 13, 2024 was Primary Election day, and he expressed his appreciation to the Election Judges who served as well as the voters who participated. Candidate filing for the City offices of Mayor and two Council member seats also ended on August 13. Mayor Miner will be running unopposed for re-election and Council member Feldman was running for re-election; however, Council member Joyce had decided not to run for re-election and he thanked her for her service to the City. Resident Todd Newcomer will be running for the seat that is currently held by Council member Joyce.

APPROVE AGENDA

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

CONSENT AGENDA

- A. Approve Minutes of August 7, 2024 City Council Meeting
- B. Approve Vendor Claims and Payroll
- C. Adopt Resolution No. 2024-37 Approving a Minnesota Lawful Gambling Premises Permit Application for the Orono Hockey Boosters, Inc. at Bucks Pub Restaurant
- D. Adoption of 2024 Hennepin County All Hazard Mitigation Plan
- E. Accept the Resignation of Firefighter Thomas C. Aldrich from the Long Lake Fire Department

- F. Adopt Resolution No. 2024-38 Accepting the Donation of Two Storage Containers to the City of Long Lake for the Long Lake Fire Department
- G. Approve the Proposed 2025 Lake Minnetonka Communications Commission (LMCC) Budget

Mayor Pro-Tempore Dyvik highlighted Item 5E on the Consent Agenda for acceptance of the retirement of firefighter Tom Aldrich. While Mr. Aldrich had conveyed that he did not want the City to make a big deal of it, Mayor Pro-Tempore Dyvik read aloud comments sent to Mr. Aldrich by Mayor Miner which stated, 'On behalf of the City of Long Lake and all the cities that you dutifully served, I would like to take a moment to thank you for your 35 amazing years of service with the Long Lake Fire Department. The entire community thanks you, Tom, for putting your life on the line for them for 35 amazing years. You will be missed.' He stated that he agreed with the Mayor's sentiments and also wanted to thank Mr. Aldrich for his many years of service.

Council member Kvale referenced the donation of storage containers in Item 5F, asked if they were donated by the Relief Association, and questioned what the containers were for.

City Administrator Weske confirmed that the Relief Association had donated two storage containers for the Long Lake Fire Department. He explained that the storage containers were similar to what is seen on rail cars or a shipping container, and indicated that they would just be used for excess storage.

Council member Kvale also inquired about a payment to US Flags under vendor claims and asked what the purchase was for.

City Clerk Moeller responded that she believed that purchase was for the replacement of the flags hung on light poles in the downtown area for events such as Memorial Day and the Fourth of July.

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

OPEN CORRESPONDENCE

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

BUSINESS ITEMS

Updates Regarding Fire Department Matters

Weske reported that a Fire Advisory Board meeting had been held on August 7, 2024 at which the Board reviewed the proposed 2025 Long Lake Fire Department budget. He believes that everyone reached the same understanding about the budget, so now Long Lake, Orono, and Medina will be putting that forward through the preliminary budget and levy process.

Mayor Pro-Tempore Dyvik reflected that he felt there was some good discussion at the Fire Advisory Board and noted that they had made an adjustment to the budget that was requested by the City of Orono related to the duty crew calculation.

Weske confirmed that the adjustment was made, and a change had also been made to the legal fees line item as well.

Mayor Pro-Tempore Dyvik commented that everybody appeared to have left the meeting agreeing that they had a workable budget with the idea that they would all bring it to the three Councils to be approved.

Council member Kvale asked when the Long Lake City Council would see the budget.

Weske replied that it would come before the Council in September and agreed with Mayor Pro-Tempore Dyvik that they left the meeting with the feeling that all of the members would support the budget in front of their respective Councils.

Moeller added that the City Council would be having a budget work session prior to their September 3, 2024 meeting.

Council member Kvale asked about the percentage reduction in duty crews and whether it may be a hinderance.

Weske clarified that they had reduced it from around 60% to 55% because they felt that was more in line with the participation levels that they have been seeing. The thought was that there was not a reason to overbudget for the line item if they felt that they were on a certain plateau.

Mayor Pro-Tempore Dyvik stated that Chief Heiland had presented the numbers for the month of July for duty crew participation which were right around 50%, and perhaps the budget was trying to be a bit more optimistic at 60%. Board members agreed that bringing that number down to a projected 55% was a reasonable adjustment.

Council member Kvale inquired about the capital budget.

Mayor Pro-Tempore Dyvik responded that they presented the CIP and had included the rescue utility vehicle in the CIP because it would not be received until 2025. Orono had already indicated they would not participate in any purchase of capital equipment but did say that they would review purchases on a case by case basis. A question had been raised by one of the Orono Council members regarding whether Long Lake would commit to buying the utility vehicle outright at the end of the contract because that may be something that would be more palatable to them. He understood their thought process and he, personally, felt that Long Lake would buy that at the end of the contract, but recognized that he could not speak for the entire Council. He explained that he would like to purchase the vehicle under the terms of the contract and observed that Orono seemed to be amenable to that if Long Lake would make the commitment to buying it outright at the end of the contract. He noted comments were made in the meeting that Long Lake had already committed to purchasing the vehicle on their own and he had acknowledged that understanding was true, if Orono refused to participate in the purchase. He clarified that the CIP was intended to show the needs for the Fire Department rather than who will pay for what. This particular vehicle has been a need and the purchase had been kicked down the road many times despite it being included on CIPs for many years. He commented that he did not want to ignore that vehicle need just because the City did not know if Orono was going to pay for their share or not, but reiterated that it was still a need and the vehicle purchase should be included in the CIP.

Council members and staff continued to discuss the need for the vehicle and the potential role it may have in the future.

Council member Feldmann pointed out that the City's fire experts should be making decisions on the need for equipment and not the Council. Based on conversations he'd had with Chief Heiland, he did feel that this vehicle was a pretty important need. While Orono's request for a commitment to purchase the vehicle may be above and beyond the contract, he felt it was a reasonable request given the situation.

Council member Kvale mentioned that Long Lake does have some hypothetical potential future partners and consideration should be given to the equipment inventory and what it may look like.

Mayor Pro-Tempore Dyvik and Weske both noted that the utility vehicle would respond to medical calls and be used for a lot of different calls and activities.

Moving on from Fire Advisory Board discussions, Mayor Pro-Tempore Dyvik read aloud a statement to the Council:

I don't normally respond to social media or other forums that the Orono Mayor uses to continually spread misinformation. I think he figures that if he repeats a lie long enough, people start to believe it, but I did listen to his Coffee with the Mayor last week and it needs a response in my opinion.

At that meeting, a question was asked about why the Orono 2024 fire budget went up from the needs assessment in 2023 to now, by \$800,000 (she quoted it going from \$1.6 million to \$2.4 million). Seems like a reasonable question - one that could be answered by: equipment cost was higher than anticipated, or additional equipment was needed, or more staff was needed, etc.

Instead, the Mayor angrily responded to this resident calling her an activist. He completely deflected from answering the question to repeating his campaign talking points about all of the great things he has done and all the departments of Orono that are fully funded without raising the tax rate. He likes to use that term tax rate, because if someone isn't listening closely it sounds like he hasn't raised their taxes. In fact, he and the Orono Council have raised taxes significantly over the past several years. I believe last year was 19%. But Orono has also seen property values increase significantly over these years so he can hide these tax increases in the fact that the tax rate relative to property values has remained the same. Yes, they have maintained a level tax rate, but they have seen significant tax increases.

So back to the Mayor's comments last week. He continued to deflect from the resident's question by then attacking the Long Lake City Council. Here is one excerpt from the 17:45 mark of the Coffee with the Mayor meeting: "As we're going we have found out a lot of stuff from Long Lake on the failures of the City Council to adequately protect the citizens of Orono by having the right equipment, by having all of the right stuff that they have to wear, all that kind of stuff. They have failed in that. In fact, we have known that we've had bad response times in Navarre for a long time now and they have still failed when they had that area to adequately protect our residents."

Let me respond to the first part first. Two years ago, I gave a presentation of Orono claims versus the truth regarding the LLFD. Their claims are still being made and they still don't reflect the truth, the main one being "we pay 85% and have no say". As I stated in my presentation then, yes, they pay 85% because they receive 85% of the service. And when we started this contract, it was 70%, but the service was so good that over the past 20 years Orono asked Long Lake Fire to take over their areas served by Mound, Maple Plain, and then Wayzata. That is what has grown the number to 85%. So, they will say 85% - and I say yes, I agree - and then it would be immediately followed by "but we

have NO control” - and I say, wrong. As I stated two years ago, Orono has more control over the operational budget and capital budget than Long Lake has.

Mayor Pro-Tempore Dyvik commented that two years ago he had shown a slide explaining that:

Orono has always had complete veto power and greater budgeting power than Long Lake.

- 1. The contract states approval of the capital budget requires two cities and a 60% funding share.*
- 2. Once this level of approval is obtained, all contract cities are obligated to fund their share of the expenditures.*
- 3. Long Lake and Medina neither individually or together can ever force a budget on Orono, because they pay less than 60% - Orono has complete veto power.*
- 4. Further, Orono and Medina can force a budget on Long Lake, even if Long Lake votes against it.*
- 5. Operating budget must be approved by all cities, meaning again, Orono has veto power over the operating budget.*

Mayor Pro-Tempore Dyvik continued reading from this prepared statement:

In addition, a Fire Advisory Board made up of representatives from all three cities in the agreement share equally in review of and revising the budgets before they go in front of the City Councils for approval.

So we have established that Orono controls the budgets, especially the capital budget. They control whether the capital budget goes up or down or goes away completely. So how does this relate to the first part of his quote about our failure to adequately equip our FD. I showed a slide on this point. Yes, it's true we have been historically underfunded on capital equipment, but Orono has made it so. We repeatedly asked Orono to approve more funding for capital and were told they can't afford it. They said, instead, LLFD had to spend less. These emails that are a matter of record.

Mayor Pro-Tempore Dyvik referenced another slide he'd presented in the past that showed the last 21 years of the contract:

- 1. LLFD CIP is underfunded, and Orono has control for CIP budgets.*
- 2. Early on, the Chief requested an increase in the CIP budget to meet the needs of the rising costs of equipment. Orono instructed him to make cuts in spending instead.*
- 3. A 3% increase was finally granted by Orono around 2013. It was supposed to be a 35% increase each year, as shown in the Chief's 15-year CIP in 2013 and 2014.*
- 4. Instead, Orono made it a one-time increase, so that now, nine years after that single increase, the annual budget still sits at only \$103,000.*
- 5. This one-time increase was acknowledged by the Orono negotiating team as a decision by a previous Orono Administrator.*
- 6. How will Orono manage this fund if it owns the Fire Department? Either it will continue to underfund, or fund it properly, demonstrating Orono's lack of support for the CIP only when it's under LLFD.*

Mayor Pro-Tempore Dyvik continued with his statement:

Then to address the second half of the Mayor's statement about, "In fact, we have known that we've had bad response times in Navarre for a long time now and they have still failed when they had that area to adequately protect our residents."

There were never any complaints about performance before. In fact, they used to specifically say it's not about performance.

Mayor Pro-Tempore Dyvik referenced another slide he'd presented two years ago titled 'NOT ABOUT PERFORMANCE':

Orono Claim:

Orono has said it's not an issue of performance or service, but rather it's a financial issue. Orono quote, "This is a business decision. There's been a lot of rhetoric that it's about performance. It has nothing to do with performance. It's a dollars and cents thing." – Rich Crosby, June 13, 2022

Fact:

Agree that performance has been excellent, thanks to the commitment of our firefighters and the leadership of the Chief. There is no evidence of financial mismanagement.

Mayor Pro-Tempore Dyvik continued reading his statement aloud:

This is one of a number of quotes from the Orono Council that are on record stating it's not about performance.

But now, the Orono Mayor likes to point to Navarre as an area that the LLFD was failing. This argument of his comes from some manufactured response times that the Orono Fire Chief included in the needs assessment in 2023. In that assessment, there were some Station 2 response times that were not accurate or did not reflect correctly how the calls were responded to. For example, some of the Station 2 response times in the needs assessment analysis were actually backup calls to the Station 1 area. They were not in the Station 2 primary call area. In these cases, Station 1 had already responded to the call when Station 2 arrived as backup. These scenarios should not have been part of the Station 2 response time study, but they were used to make it look like Station 2 had slow response times. In fact, the LLFD has had acceptable response times as primary calls from Station 2 to the Navarre area and are faster than what Orono can provide now as they respond from their old Public Works building next to Orono City Hall. The truth is that OFD response to Navarre is not faster than LLFD was.

And by the way, some people at the Mayor's coffee questioned the ethics of having the new Orono Fire Chief do the needs assessment when his future employment depends on the outcome. They asked why an independent assessment wasn't done by someone who was not embedded in the Fire Department.

The Mayor also talked about how the cost to Orono from LLFD was going up and up and up every year, making it sound like operational costs were out of control. I showed a slide on this two years ago as well. It shows that we tracked closely to inflation rate over the course of the contract.

Historically, the operating budget has kept pace with the CPI. We did have a 19% increase in 2023. That was about a \$100,000 increase for on-call and training pay and insurance, turn out gear, maintenance, and fuel. Over half of the increase was related to insurance and well-deserved pay increases. By the way, this budget increase was developed under our former Fire Chief who is now Orono's current Fire Chief. It's interesting that they take issue with his leadership and budgeting when he is wearing a Long Lake hat, but no issue when he is wearing an Orono hat.

Of that \$100,000 increase, Orono paid \$85,000. But under our new Chief, we came in significantly under budget and refunded \$33,000 to Orono for 2023. The budget increase for 2023 was then actually closer to 10%. With that refund, Orono paid \$544,000 for full coverage of Orono by the LLFD in 2023. Compare that to the greater than \$1 million 2025 operational budget for Orono Fire to cover Navarre area alone, about one-third of Orono's coverage area – that's twice the cost to cover one-third the area, in addition to the millions that they are spending on redundant capital equipment. That's something that ought to bother Orono residents.

Again, I only responded to this as I feel the ongoing lies and direct attacks from the Orono Mayor need to be answered; and by the way, all of the documents, presentations, emails, and rulings related to the LLFD can be found on our city website.

Council member Feldmann noted that what was also interesting was that he recalled the LLFD had responded to more calls last year than the prior year, which means that in Chief Heiland's first year managing the Department, they had more calls and came in under budget.

Mayor Pro-Tempore Dyvik agreed that there had been a significant increase in call volume. The Department had also introduced duty crews, though Long Lake had mainly paid for that out of their own pockets. The Department implemented a very successful voluntary duty crew program and were also able to come in significantly under budget, which was a pretty big accomplishment for the LLFD under Chief Heiland.

Council member Feldmann shared that he had also watched the Coffee with the Mayor for the City of Orono and found the narrative to be fascinating in that they essentially manufactured a crisis and then blamed others for their own decisions. He added that the fact is that the data shows that things were well managed, and he has found this narrative very frustrating and was disappointed in the statements that were being made.

Mayor Pro-Tempore Dyvik reiterated that he did not normally respond to all of the 'noise' that is going on, for example, on social media, but when the comments were a direct attack on the Long Lake City Council that were based on misinformation and lies, he felt that he needed to respond.

Council member Feldmann noted that in the past, he had taken a look at some of the data, but the recent misinformation has made him think that he should dig back into and get more specific about some of the things that were covered in Mayor Pro-Tempore Dyvik statements because they were more general in nature. He felt it would be useful to let people know what was in the assessment and to respond by gathering some of the current data.

OTHER BUSINESS

Invoices for Wayzata Boulevard W Project - Council member Feldmann recalled that a few meetings ago, the Council had discussed the County finishing up on the Wayzata Boulevard W project and sending a late invoice to the City. He remembered that the invoicing was for a significant amount of money and asked if it would possible for the City to request that the County come to the Council and present their information in order to help them understand the invoicing situation. Weske reported that he had received the invoices from the County and was currently having the City's engineering firm double check the quantities that they were being billed for and review some of the past data. The invoice was from a project that occurred seven years ago, and the City's current engineering staff were not part of the design and engineering that took place. Once staff has more information, Weske indicated he would probably have the County come out and discuss the situation.

Technology Update - Moeller informed the Council that the City officially has a cloud backup solution in place for the first time ever, which seems to be working well thus far.

Meeting Date Changes - Mayor Pro-Tempore Dyvik reported that October 1, 2024 is the forum hosted by the League of Women Voters for the Orono Council and Mayor candidates from 7:00 pm to 8:30 pm. He mentioned that the Long Lake City Council was scheduled to meet that night, and asked if they may want to consider changing the meeting date. Moeller indicated that she already had a line item scheduled for discussion at the September 3, 2024 City Council meeting for other meeting date changes, so they could consider this as well. She noted that they could plan to just keep the agenda light that night and consider changing the start time to be a bit earlier, but still hold the meeting on that same date.

ADJOURN

Hearing no objection, Mayor Pro-Tempore Dyvik adjourned the meeting by general consent at 7:09 pm.

Respectfully submitted,

Scott Weske
City Administrator