

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

File No. 27-CV-23-9758

City of Long Lake,

CASE TYPE:

Plaintiff,

v.

**DECLARATION OF MAYOR
CHARLIE MINER**

City of Orono,

Defendant.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, Charlie Miner, declare as follows:

1. I am the Mayor of the City of Long Lake. I have personal knowledge of the facts contained herein and am competent to testify to them.

2. On October 10, 2023, I viewed the published video recording of the Orono City Council meeting held on October 9, 2023. Below is the link I used to access the publicly available video:

https://oronomn.granicus.com/player/clip/1086?view_id=1&redirect=true&h=4c627afeae64c9cb8cdd3ef56277027a.

3. I observed around the 1:10:43 mark that Orono Chief Van Eyll acknowledged before the Orono City Council that all of the paid on-call hires were current LLFD members by stating “the last time I’ve spoke with them yes, they were still on the department.” He further stated he had spoken with the members at “multiple recruiting events, lunches, text messages for happy birthdays and happy anniversaries, those types of things.”

4. On or about August 20, 2023, I learned that Chief Van Eyll left a now former Long Lake Firefighter a voicemail in August 2023 wishing him “happy birthday.” I have listened to the voicemail, and I observed in the voicemail that Chief Van Eyll mentioned that he heard the firefighter had resigned from the LLFD, and Chief Van Eyll said that if he had “any questions” he could talk to Chief Van Eyll. Chief Van Eyll mentioned this twice.

5. At the time Chief Van Eyll called the firefighter in August 2023, the firefighter had not resigned from the LLFD as he resigned effective September 30, 2023. This is just one example of how Chief Van Eyll has been connecting with Long Lake firefighters and continually and deliberately attempting to recruit them to Orono Fire Department.

6. I have examined Chief Van Eyll’s October 25, 2023 declaration. In his declaration, Chief Van Eyll references the “Orono Fire Department Open House(s)” and the “Open House” in paragraphs 12, 14, 15 to refer to events in which the Orono Fire Department was actively seeking firefighter applicants. There is no use of the word “recruitment” when describing the events.

7. However, a multitude of documents and online media forums advertise these events as the Orono Fire Department “Firefighter **Recruitment** Open House.” (emphasis added).

8. Attached hereto as **Exhibit A** is an accurate copy of a July 12th flyer advertising the Orono Fire Department “Firefighter **Recruitment** Open House.” (emphasis added).

9. Attached hereto as **Exhibit B** is an accurate copy of an August 30th flyer from Orono’s website advertising the Orono Fire Department “Firefighter **Recruitment** Open House.” (emphasis added).

10. Attached hereto as **Exhibit C** is an accurate copy of an Orono resident’s email listserv advertising the Orono Fire Department “Firefighter **Recruitment** Open House.” (emphasis added).

11. Attached hereto as **Exhibit D** is an accurate copy of an August 19, 2023 advertisement in Laker Pioneer newspaper advertising the Orono Fire Department “Firefighter **Recruitment** Open House.” (emphasis added).

12. Attached hereto as **Exhibit E** is an accurate copy of a Facebook post advertising the Orono Fire Department “Firefighter **Recruitment** Open House.” (emphasis added).

13. Attached hereto as **Exhibit F** is an accurate copy of the sign-in sheet from the event on July 12, 2023 titled, “Firefighter **Recruitment** Open House.” (emphasis added). This sign-in sheet contains the names of the following LLFD members who were later hired: Ben Veach, James Seals, Mike Johnsrud, Ryan Kanive, and Tom Aldrich.

14. Attached hereto as **Exhibit G** is an accurate copy of the text message from Chief Van Eyll to seven Long Lake firefighters inviting them to the “**Recruitment** Open House” on Wednesday, September 27. (emphasis added).

15. It is clear to me that Chief Van Eyll is attempting to hide his own language with respect to these events from the Court.

16. I also observed that Orono only submitted declarations from five of the eight Long Lake firefighters hired by Orono, and did not submit declarations from Jeff Krahl, Ben Carlson, or Tom Aldrich.

17. I did not learn about Orono’s plan to construct a temporary structure on the Fire Station 2 property until I watched the video from the September 27, 2023 Orono Firefighter Recruitment Open House. Orono has not otherwise approached me or the Long Lake City Council and identified this plan nor sought consent from the City of Long Lake to commence such construction activities during the term of the Fire Service Contract.

18. Orono has not provided Long Lake with any report or findings from its architect, engineer or other expert, any details or blueprints regarding Orono's plan for construction, or any information regarding the proposed timeframe for the construction.

19. Orono has not explained how it intends to make this additional building/structure compatible with Fire Station 2, where the access points to the building(s) will be located, how ingress and egress will work in connection with the additional structure, and how it proposes to address use inconsistencies that undoubtedly will come into play with different call responses and emergencies.

20. In addition to the issues identified above, it is also possible that an "adjoining" structure may create issues with operating and maintaining the facility, which is Long Lake's responsibility under the Contract for Fire Protection.

21. If an adjoining expansion was created, it would likely be part of Fire Station 2 and under the operational control of Long Lake, pursuant to the Addendum to Contract for Fire Protection.

22. In my capacity as a subcommittee representative for the City of Long Lake, I attended the Fire Advisory Board (the "Board") meeting on September 18, 2023, in which I met with representatives from the other cities receiving fire services from the LLFD to discuss the 2024 LLFD operating budget. At said meeting, the Board discussed an increased LLFD operating budget which included covering the costs of the implementation of duty crews and a pay increase for firefighters.

23. During the same meeting, the possibility of having the Orono Fire Chief serve on LLFD duty crews was raised by Orono subcommittee/council members. My fellow Long Lake subcommittee/council member and I made clear to the Orono subcommittee members that Long

Lake opposed such an assignment, but we discussed other means of cutting the costs of the LLFD duty crew program. After that discussion, the Orono subcommittee members expressed a willingness to support the revised and reduced 2024 LLFD operating budget when it was presented to the Orono City Council.

24. I have reviewed the Orono City Council meetings that followed the above-referenced Board meeting and noted that the Orono City Council has been unwilling to approve the proposed 2024 LLFD operating budget. A reason cited for this decision to withhold approval was to have further discussions with Long Lake about having the Orono Fire Chief work on LLFD duty crew assignments.

25. From my discussions with members of the LLFD, I have been made aware that many current members are upset with Orono Chief Van Eyll based on some of his actions and public statements he has made over the past several months. Additionally, I am aware of concerns within the department that Chief Van Eyll will attempt to utilize any such LLFD duty crew opportunity to further recruit current LLFD members to the Orono Fire Department.

26. It is my belief that the Orono City Council is now deliberately withholding LLFD operating budget approval for two reasons: First, to leverage an improved opportunity for the Orono Fire Chief to continue his recruitment of LLFD members by demanding his participation in LLFD duty crews; and second, to delay or prevent a needed LLFD firefighter pay increase to make their pay more competitive with the pay Orono is offering its firefighters.

27. Attached hereto as **Exhibit H** is an accurate copy of the June 12, 2023 letter from the Long Lake Volunteer Fireman's Relief Association to the Orono City Council.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Executed on November 1, 2023 in Hennepin County, Minnesota.

By: /s/Charlie Miner
Charlie Miner

4863-0465-9852, v. 2



MINNESOTA
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EXHIBIT A

MINNESOTA
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ORONO FIRE DEPARTMENT**FIREFIGHTER
RECRUITMENT
OPEN HOUSE**

The City of Orono is excited to announce that the Orono Fire Department is looking for firefighters. Come and learn about what the Orono Fire Department has to offer. You could be the start of something special in 2024.

July 12, 2023

1900 to 2100 Hours

Orono EOC

2730 Kelley Parkway





EXHIBIT B

MINNESOTA
JUDICIAL
BRANCH

ORONO FIRE DEPARTMENT

FIREFIGHTER RECRUITMENT OPEN HOUSE

The City of Orono is excited to announce that the Orono Fire Department is looking for firefighters. Come and learn about what the Orono Fire Department has to offer. You could be the start of something special in 2024.

August 30, 2023

1900 to 2100 Hours

Orono EOC

2730 Kelley Parkway





EXHIBIT C

MINNESOTA
JUDICIAL
BRANCH



Orono Fire Department - Firefighter Recruitment Open House

1 message

City of Orono <listserv@civicplus.com>

Wed, Aug 30, 2023 at 5:00 PM



[Orono Fire Department Firefighter Recruitment Open House Information](#)

Share on Facebook

Share on Twitter

Share via Email

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EXHIBIT D

MINNESOTA
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ORONO FIRE DEPARTMENT

FIREFIGHTER RECRUITMENT OPEN HOUSE

The City of Orono is excited to announce that the Orono Fire Department is looking for firefighters. Come and learn about what the Orono Fire Department has to offer. You could be the start of something special in 2024.

August 30, 2023

1900 to 2100 Hours
Orono EOC
2730 Kelley Parkway





EXHIBIT E

MINNESOTA
JUDICIAL
BRANCH



Posts

About

Photos

More ▾



Orono Fire

Sep 20 · 🌐



WED, SEP 27

Firefighter Recruitment Open House

☆ Interested



Home



Video



Marketplace



Profile



Notifications



Menu



EXHIBIT F

MINNESOTA
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Recruitment Open House

will be held July 12th

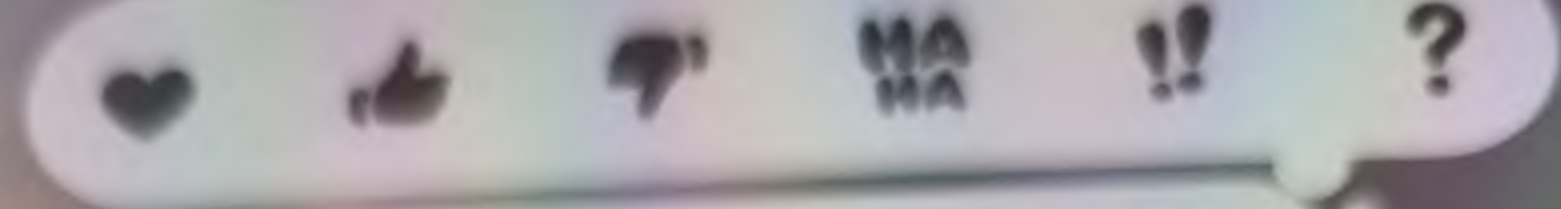


Name (please print)	Address	Phone number or Email address
1. <u>Loen Palmer</u>		<u>612-396-9711</u>
2. <u>Andrew Johnson</u>		<u>612-70-705</u>
3. <u>Ryan Veitch</u>	<u>1234 Wilson Ave St. Paul</u>	<u>612-550-5010</u>
4. <u>Scott Sparks</u>		<u>651-212-0510</u>
5. <u>JB SENS</u>	<u>2412 Green St. MN</u>	<u>612-916-6455</u>
6. <u>Mike Johnson</u>		<u>612-768-6101</u>
7. <u>Ryan S. Veitch</u>	<u>45 hackett St. MN</u>	<u>314-368-9578</u>
8. <u>Allison</u>		<u>952-475-9071</u>
9. <u>Patrick Cotton</u>	<u>101 Glenview L.L.</u>	<u>612-250-6500</u>
10. _____		
11. _____		
12. _____		

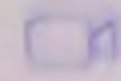
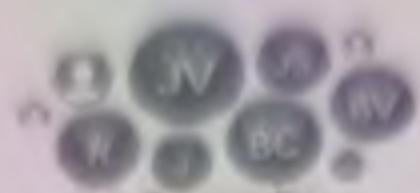


EXHIBIT G

MINNESOTA
JUDICIAL
BRANCH



9:33



11 People

Text Message
Wednesday 3:47 PM

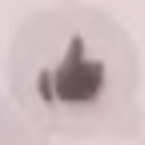
James Van Eyll

It would be great to have you at the Recruitment Open House on Wednesday, September 27 from 7-9. It will be the day after meditation and we should be able to discuss and determine the path moving forward.

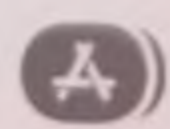
Hope to see you there.

JV James

Justin Hinker



JH Sounds good, I will plan on being there



Text Message





EXHIBIT H

MINNESOTA
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Long Lake Volunteer Fireman's Relief Association

Station 1

340 North Willow Drive
Orono, Minnesota 55356
Office: 952-473-9701

Station 2

3770 Shoreline Drive
Orono, Minnesota 55391

Members of the Orono City Council,

The cities of Orono and Long Lake have asked their citizens to step up to become fully trained and certified fire service professionals and build a fire department that serves the needs of the collective community. That's exactly what we, the current members of the Long Lake Volunteer Fireman's Relief Association (LLVFRA) and our predecessors have done. We have selflessly dedicated years of our lives to forming a highly trained, successfully functioning, well respected fire department that is set up to serve the needs of our larger community today and to grow along with the needs of our community's future.

As the two cities have grappled over their future fire protection, the members of the LLVFRA have had one and only one request and that is to keep this fire department whole. Remaining whole not only preserves the successful department that you asked us to build for this community but also we, as knowledgeable fire industry professionals, understand that fire related emergency response needs are best served when resources and efforts are combined to service a common area. In other words, when cities work together the citizens receive better, faster and more cost-effective services. This is well-known and accepted as an industry best practice. Because of the recently proposed plans to prematurely annex Station 2 and its call area, which goes directly against our request, we feel that it is important to repeat our strongly encouraged recommendation to keep this department whole. It simply does not benefit our community to dismantle this operationally successful fire department and in turn create two superfluous departments with uncertain futures.

Members of the LLVFRA are citizens of our collective community who serve our collective community and want the opportunity to continue to do so as one department for decades to come.

As a demonstration of your stated support of the dedicated and proud Firefighters who serve your community, we ask you to vote against any accelerated timeline(s) that would in any way dismantle or separate the Long Lake Fire Department prior to the end of the existing contract.

Respectfully,

The members of the Long Lake Volunteer Fireman's Relief Association