



Follow-Up Forum: Long Lake Fire Service Updates

May 18, 2023



Agenda

- Introductions
- Welcome Chief Heiland
- Firefighter Recognition
- Summary of November 17, 2022 Open House
- Timeline of Events from November 2022 through May 2023
- Focus on the Future
- Public Comment/Questions

Tonight's Objectives:

Educate, Answer
Questions, Hear Your
Feedback



Welcome Chief Heiland

- Mike Heiland joined us as Chief of Long Lake Fire Department on March 27, 2023
- Chief Heiland comes to us after serving as a 30-year member of the Excelsior Fire District where he recently retired at the rank of Assistant Chief.
- We also want to express our sincere appreciation to Assistant Chief Shane Gardner for serving as Interim Chief and Battalion Chief Chris Adams for their invaluable assistance with keeping the fire department operating smoothly from late-December through late-March.



2022 LLFD Emergency Call Activity

Incident Type	Long Lake	Medina	Orono	Minnetonka Beach	Mutual Aid	Total
1. Fire	4	0	17	1	7	29
2. Overpressure Rupture, Explosion, Overheat (No Fire)	0	0	2	0	0	2
3. Rescue & Emergency Medical Service Incident	31	6	95	4	0	136
4. Hazardous Condition (No Fire)	8	1	48	5	0	62
5. Service Call	4	2	5	0	0	11
6. Good Intent Call	8	8	79	7	1	103
7. False Alarm & False Call	6	6	65	11	0	88
8. Severe Weather and Natural Disaster	0	0	0	0	0	0
9. Special Incident Type	0	0	0	0	0	0
Total Incident Count	61	23	311	28	8	431
Percent of Total	14.15%	5.34%	72.16%	6.50%	1.86%	100.00%



Firefighter Recognition

2022 TOP RESPONDERS

- Mike Johnsrud 92% Station 1
 - Tom Aldrich 87% Station 1
 - Paul Morse 61% Station 1
 - Zach Berbig 57% Station 1
 - Cody Farley 54% Station 1
-
- AJ Rewerts 92% Station 2
 - Chris Adams 84% Station 2
 - Adam Hayden 84% Station 2
 - Shane Gardner 76% Station 2
 - Ryan Gonsior 74% Station 2

2022 TOP TRAINING ATTENDANCE

- Tom Aldrich 103 hrs Station 1
 - Matt Smiley 102 hrs Station 1
 - Mike Johnsrud 101 hrs Station 1
 - John Paszkiewicz 99 hrs Station 1
 - Cody Farley 86 hrs Station 1
-
- Chris Adams 108 hrs Station 2
 - Tom Davis 101 hrs Station 2
 - Shaun Rioux 97 hrs Station 2
 - Ted Woychick 97 hrs Station 2
 - Shane Gardner 96 hrs Station 2



Summary: November 17, 2022 Open House

- History of Long Lake Fire Department
- Terms of 2002 Fire Services agreement among cities of Long Lake, Orono, and Medina,
 - Fire Advisory board with equal representation from each city
 - Operational and Capital Budget approval process that gives Orono greatest amount of control
- Separate contract with Minnetonka Beach
- Shared ownership (Long Lake/Orono) of Station 1
- Future Fire Services meetings with surrounding communities
- JPAs and Districts
 - National Trends
 - Excelsior fire district example
- Negotiations with Orono
 - Proposed Fire Board
 - Offer from Orono
- Options for Long Lake and financial implications

Long Lake fully supports the LLFD firefighters and the sacrifices they make for the safety of our community and other communities served



Timeline of Events Since November 2022

December 2022

- Orono hires Chief James VanEyll
- LLFD begins search for new Fire Chief

January 2023

- Long Lake City Council sends counteroffer to Orono City Council on 1/27/2023, which remains unanswered as of today (5/18/2023)

February 2023

- Orono approached the state Legislature in an attempt to move the present Relief Association funding and years of service from Long Lake to Orono, without agreement from Long Lake

March 2023

- Chief Mike Heiland joins LLFD on March 27, 2023

April 2023

- City of Long Lake hired special counsel attorney, sent letter of notice on 4/25/23 to City of Orono regarding 4 breaches of contract
- City of Orono rejects loan of new command vehicle to LLFD, despite having agreed to loan at the time of purchase in 2022

May 2023

- City of Long Lake approves purchase of needed equipment for LLFD using Long Lake funds after Orono's refusal to share purchases
- City of Long Lake's special counsel attorney sends 2nd letter of legal notice to City of Orono on contractual obligations of Station 2 in Navarre



Long Lake Counter Offer - January 2023

Option A - *Long Lake's preferred option*

- Long Lake and Orono partner in a new Joint Powers Agreement that would put the Long Lake Fire Department under an independent Fire Board rather than under any one city.

Option B

- If Orono is unwilling to pursue a partnership, then Long Lake offers to sell the LLFD for \$2M
- Long Lake receives full ownership of Station 1 (currently 50%)
- Long Lake leases Station 1 back to Orono for a cost equal to the cost of fire service from Orono (offsetting costs)
- Effective date for fire service and building lease is January 1, 2026
- Long Lake will have an advisory role by way of Fire Advisory Board
- Long Lake has option to exit agreement with 36 month notice, allowing optionality for Long Lake to join fire district in the future



Orono's Attempt to Move Relief Association Funds & Years of Service



- In February 2023, representatives from Long Lake and Orono met at the Minnesota State Capitol with legislative staff
- Orono was attempting to get support from legislators to author a bill that would allow firefighters to transfer from Long Lake to Orono without losing years of service in the firefighter's relief association (pension fund)
- The response from legislative staff was that such a bill would likely not get support unless all parties were in agreement
- Long Lake stated at this meeting that it did not support a split of the relief association and that it should be either wholly in Long Lake or wholly in Orono
- Legislative staff suggested at this meeting that Long Lake and Orono need to first decide what a future fire department will look like before changing relief association.



4/25/23 Letter sent from Long Lake Special Counsel to Orono:

Orono's Breach of the Agreement and Contract for Fire Protection with the City of Long Lake

The City of Orono's recent actions are a clear breach of the Fire Service Agreement, an anticipatory repudiation of the Agreement, and a violation of the implied covenant of good faith and fair dealing that is contained in every contract.

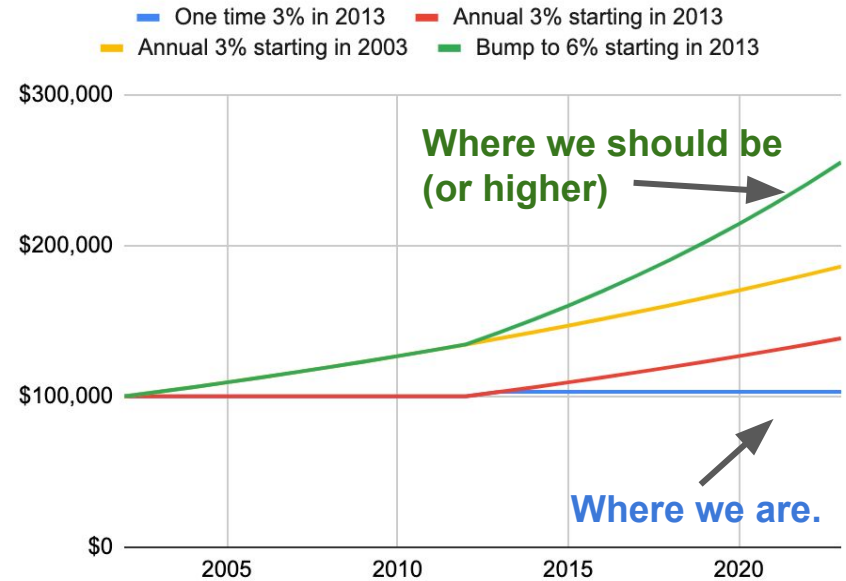
1. Despite being under contract with Long Lake for three more years, in December 2022, Orono hired Long Lake's fire chief.
2. By using the knowledge and resources of the Long Lake Fire Department, Orono purchased a ladder truck that Long Lake was considering.
3. Orono has approached the state Legislature regarding moving the present Relief Association funding and years of service from the City of Long Lake to City of Orono, without agreement from Long Lake.
4. Orono has stated it will refuse to approve future Capital Budgets or future shared equipment purchases under the current contract.



LLFD Capital Improvement (CIP) Budget Flat Due to Orono Decision

- LLFD CIP is underfunded, and Orono has control of CIP budgets.
- In early 2000s, the Chief requested an increase of the CIP budget due to rising costs of equipment. Orono instructed him to make cuts in spending instead.
- A 3% increase was finally granted by Orono around 2013, it was supposed to be a 3% increase each year (as shown in the Chief's 15 year CIP in 2013, 2014).
- Instead, Orono made it a one time increase, so that now, 10 years after that single increase the annual (CIP) budget still sits only at \$103k.
- In 2017, a request was made again for annual increase of 3%. Chief Van Eyll cautioned the CIP would have a negative balance if not corrected. No increase occurred.
- How will Orono manage this fund if it owns the FD? Either it will continue to underfund, or it will fund it properly, demonstrating Orono's lack of support for CIP only when it's under LLFD.

Actual and Potential Paths of Annual CIP Budget



In recent years, the cost of equipment has increased dramatically. Some has almost doubled since pre-Covid.



Long Lake City Council Approved New Equipment Purchases

New Command Vehicle Tahoe to replace 2013 Tahoe - May 2023

- Orono had agreed to loan their newly purchased Tahoe to LLFD, but recently (Apr 24, 2023) rescinded that offer and instead will use it for their fire chief

New Rescue/Utility to replace older Utility truck - April 2023

- This highest priority CIP need has been repeatedly rejected by Orono
 - On May 2021 and June 2022 Orono tabled this request until a later date.

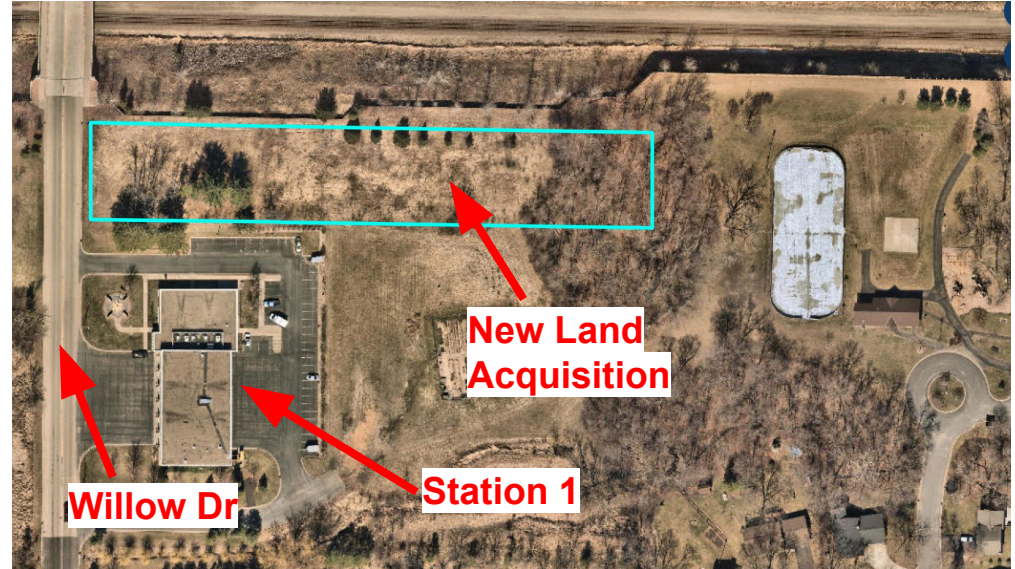
Used Excelsior Engine to replace E11- April 2023

- This is the next highest need on CIP - Chief Heiland/Deputy Chief Gonsior identified this Engine as an excellent candidate for meeting the current need for 5+ years
- The Rescue/Utility truck and Engine will be presented on the 2024 CIP to the Fire Advisory Board and to Orono to consider shared participation in the purchases. However, Long Lake is expecting and fully prepared to pay 100% of the equipment costs as the contract allows.
- In addition, Long Lake approved the lease of mobile and portable radios that have been identified by the Chief and firefighters as urgent needs.



Planning for Our Future

- Long Lake has purchased of 1.7 acre lot adjacent to Station 1
- This land provides us the opportunity to expand for:
 - Firefighter housing
 - Future facility expansion
 - General future-proofing, etc.



Orono Needs Assessment & Staff Recommended Course of Action

On May 8, 2023 Orono created a draft Needs Assessment with their staff recommending Course of Action # 4:

COA4: Orono Municipal FD with Duty Crews and Full-Time Employees

- Create an Orono FD with full time staff (chief, admin assistant, and fire inspector), M-F daytime duty crews, and paid on call firefighters
- **Have special legislation written and passed in 2023 to “facilitate the move” of the firefighter’s pensions from Long Lake to Orono Relief Association**
- **Orono would “assume control” of Station 2 in 2024, well before the end the of the contract**
- **Orono should engage Medina and Minnetonka Beach in conversation for the Orono FD to cover Minnetonka Beach**
- Explore the option of moving the Station 2 service area out of the current contract. Orono needs to give notice prior to July of 2023 for the 2024 budgeting (article 21 in contract).
- Contracting formula of $\frac{1}{3}$ Tax Value + $\frac{1}{3}$ Population + $\frac{1}{3}$ Call Hours for contracting cities served

Long Lake believes that further attempts by Orono to break the terms of our contract will only jeopardize public safety.



5/17/23 Letter sent from Long Lake Special Counsel to Orono: *Orono Needs Assessment evidences further breach, and anticipatory breach of the Agreement*

Per the December 12, 2011 Addendum to Contract for Fire Protection, Fire Station No. 2 in Navarre is included in the overall Agreement, and Long Lake has responsibility to “oversee all activities and operations at Fire Station No. 2.”

Despite this, and the fact that the Fire Protection Agreement extends through December 31, 2025, Orono's Needs Assessment (presented May 8th, 2023) has a number of affirmative assertions that are in direct conflict with the existing Agreement:

- “Assume Control of Navarre Station” in the June/July 2024
- “Remodel Fire Station 1” and “Remodel Fire Station 2” in July 2024 to November 2025
- “The Fire Chief will contact the State fire (sic) Marshall's (sic) office to do an inspection of Station 2 for the purpose of obtaining a fire department identification number.”

Other provisions in the Needs Assessment strengthen the concerns expressed in our 4/25/23 letter:

- Under “Recommendations for 2023”: “The City of Orono will have to have special legislation written and passed to facilitate the move (sic) the firefighter's pensions from Long Lake to Orono Relief Association.”

Furthermore, these two statements are a clear indication of Orono's tortious intent to interfere with existing contracts, and are illegal on their face:

- Paragraph 7.1.4(6): “Orono should start to engage Minnetonka Beach in conversation for the Orono Fire Department to cover the City of Minnetonka Beach, which has been covered by the Long Lake Fire Department.”
- Under “Recommendations for 2024”: “Orono should start to engage Medina in conversation for the Orono Fire Department to cover the small area of Medina which has been covered by the Long Lake Fire Department. . . .”

Given the contents of Orono's Needs Assessment published after the 4/25/23 letter was sent, it is clear that Orono continues to breach the Fire Protection Agreement, and intends to breach it in additional ways and interfere with Long Lake's existing contracts. Long Lake stands ready to vigorously defend its legal and contractual rights, and in so doing protect the residents of Orono, Long Lake, Medina and Minnetonka Beach. As always, Long Lake is willing to collaborate toward sustainable, forward-thinking fire services in our communities and its welcomes a response to the counter-proposal that was sent to Orono in January 2023.



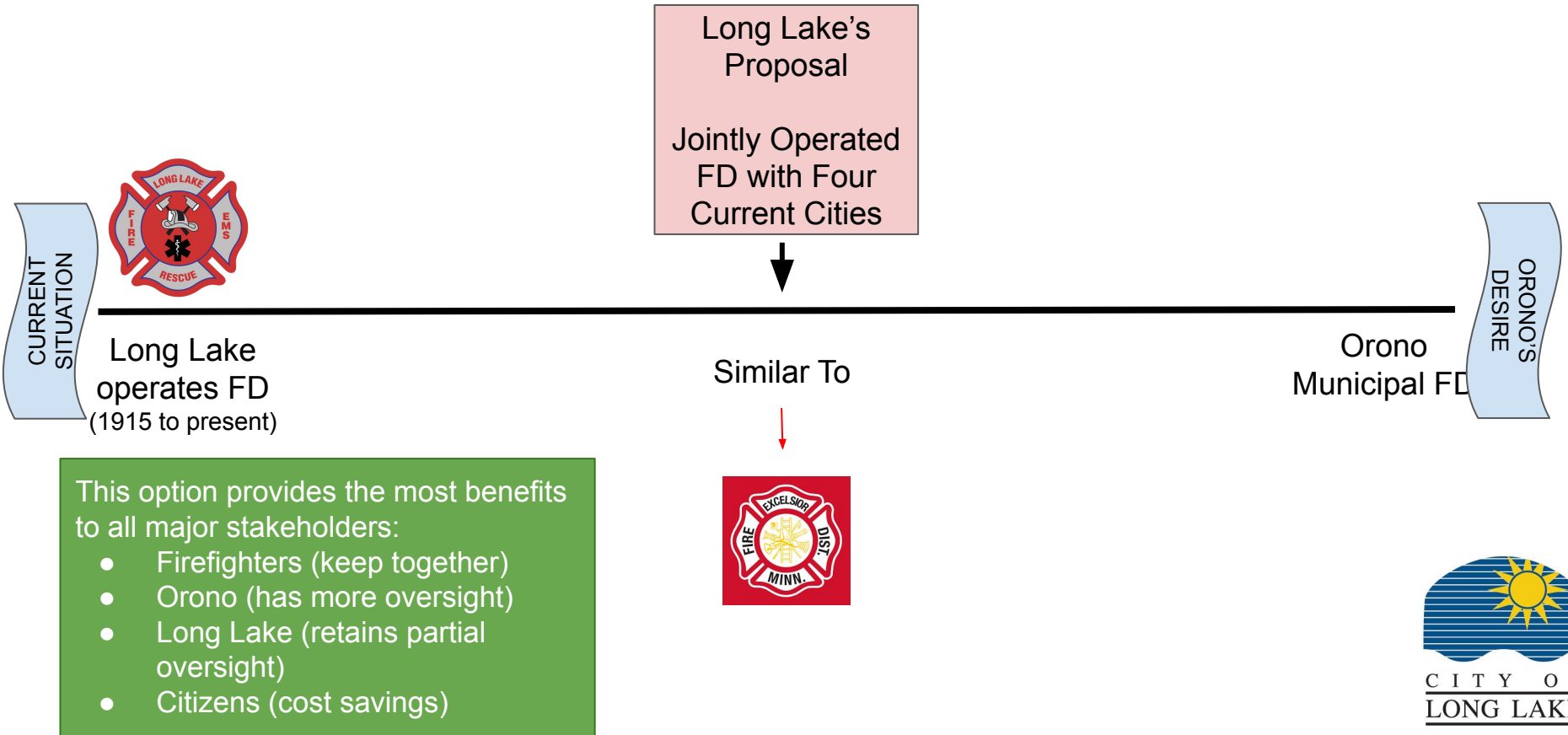
Orono Needs Assessment: ***Should*** include a jointly operated FD with the four current cities with an Independent Fire Board, which is essentially Long Lake's Option A in our January offer letter.

Throughout Summer 2022, the negotiation team of Long Lake and Orono Council Members came up with a mutually agreed upon solution, an independent **Fire Board**.

- 1) The Fire Board would be a body separate from the individual cities that employs the fire chief and firefighters, and has operational and strategic authority.
- 2) The Fire Board would be made up of Council members from each of the four cities (Orono having more members than each of the other cities). Orono would have more voting rights on the proposed Board than Long Lake, similar to the greater voting power they have now.
- 3) Long Lake would be willing to allow Orono to provide administrative support to the Fire Board; but ultimately, this administrative support should come from within the fire department with a dedicated administrative staff member for the chief.
- 4) Under this solution, Long Lake would give up authority over the fire chief and fire operations, which it has had for the past 20 years of current contract (and over the 80 years prior to that).



Long Lake's Preferred Option A in January 2023 Offer Letter to Orono



Proposed and Current Funding Formulas

Proposed

- 33% Property Value
- 33% Population
- 33% Call Hours



LEAGUE of
MINNESOTA
CITIES



Current Contract

- 70% Property Value
- 30% Call Volume



	Orono	Long Lake	Medina	Mtka Beach	Wayzata
Percent	81%	13%	6%		
Percent	75%	12%	5%	7%	
Percent	49%	8%	3%	5%	34%
Current Percent	85%	10%	5%		

Data from Chief James Van Eyll
September 2022

Effective July 1st
Approximately 18-22 months for merger



Formula

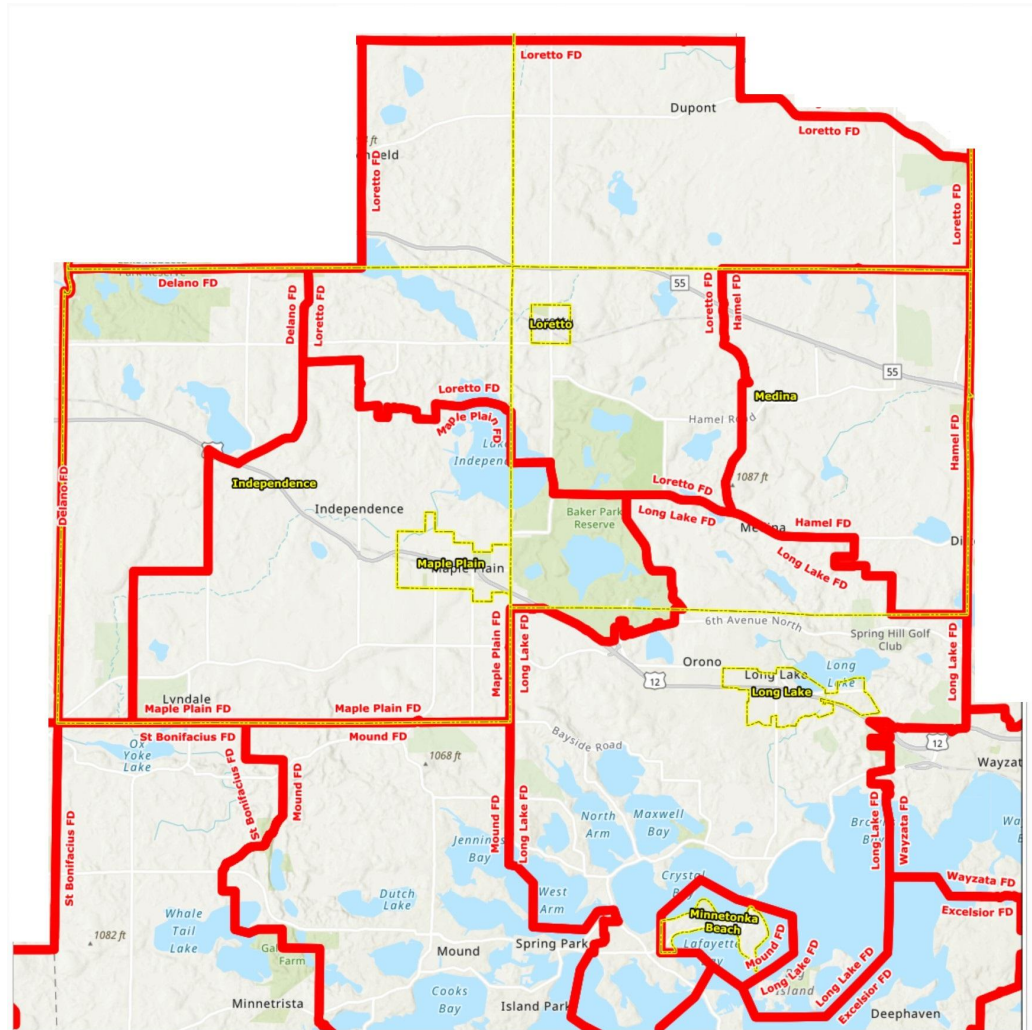
- 50% Call Volume
- 50% Property Value

West Suburban Fire District

CURRENT AREA FIRE DEPARTMENTS

Eight (8) departments

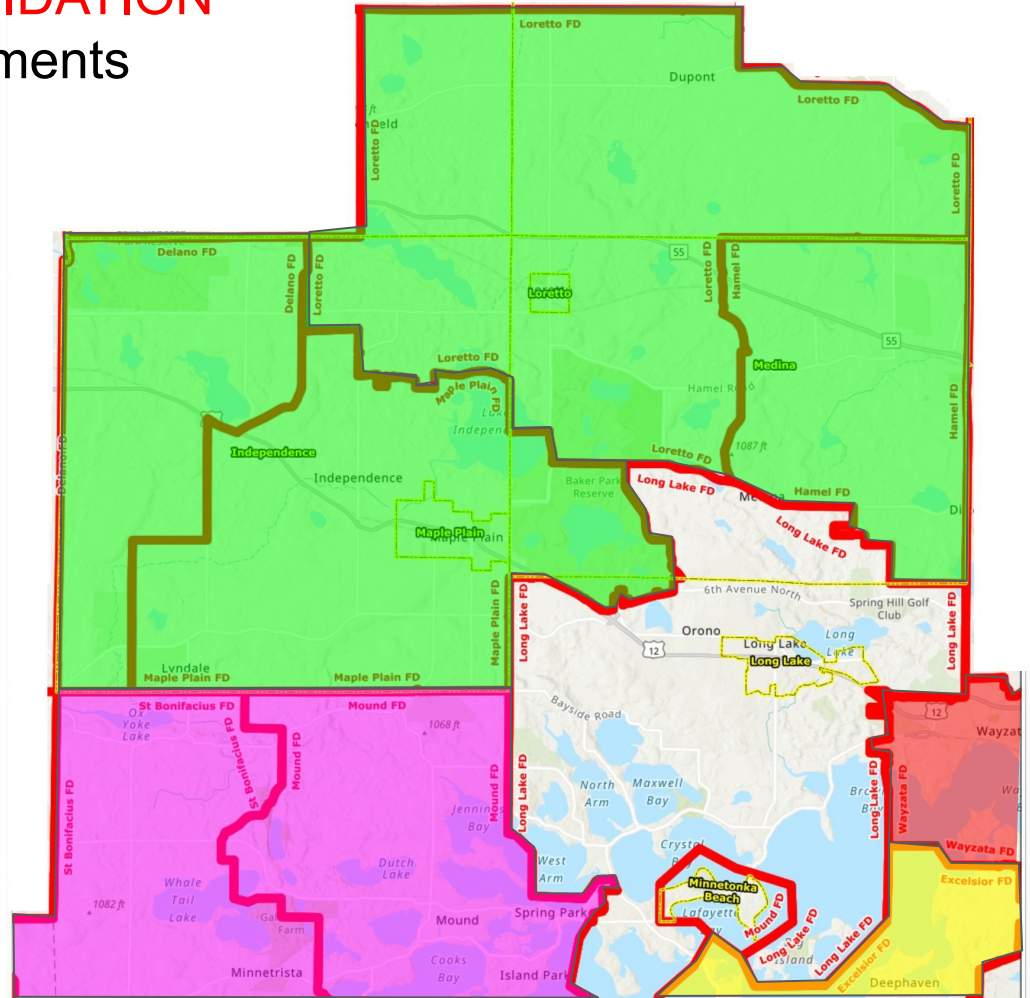
Department	Firefighters
Long Lake	42
Wayzata	24
Maple Plain	24
Loretto	30
Hamel	20
Mound	42
St. Bonifacius	26
Excelsior	43



NEAR FUTURE CONSOLIDATION

Five (5) or less departments

Department	District	Fire-fighters
Long Lake	?	42
Wayzata	?	24
Maple Plain	West Suburban Fire District	74
Loretto		
Hamel		
Mound	TBD	68
St. Bonifacius		
Excelsior	Excelsior Fire District	43
TOTAL		251



Summary

- Long Lake Fire Department is an invaluable part of our community & the communities served
- We are proud of our firefighters and the tremendous fire & medical response they provide
- It is of the utmost importance that we approach our future with due diligence and focus on:
 - **Public Safety** - Locations, Response Times, Resources
 - **Partnerships** - Collaboration, Efficiencies
 - **Costs** - Service, Assets, Maintenance
- National trend moving to shared services/fire district model
- We still would like to see a solution involving Long Lake and Orono, particularly for the firefighters





Claims vs. Facts


Regarding the Long Lake Fire Department

May 2023



CLAIM BY ORONO	FACT
<i>Orono can begin operating a new fire department starting January 2024 in LLFD Station 2 in Navarre.</i>	<i>The 2011 addendum to the contract made Station 2 part of the contract in the same manner as Station 1 and specifically directs that Long Lake oversee “all activities and operations at Station No. 2” and operation and maintenance has been, and will continue to be, funded by the contracting cities throughout the term of the Agreement and Contract for Fire Protection, which expires after 12/31/2025. Until then, Station 2 is under legal contract for full use by the LLFD, regardless of any adjustments made to Orono’s service area.</i>
<i>Orono is better off creating and operating their own fire department.</i>	<i>This is contrary to experts in the fire service, including from State Fire Marshal Division (SFMD). They have stated there are too many fire departments in Minnesota and that there should be more consolidation, not new departments. If Orono goes ahead with creating its own new fire department, it would only be the second new department in recent years, according to the SFMD. In contrast, at least 14 Minnesota fire departments have merged in recent years.</i>
<i>Orono is not trying to take over the LLFD.</i>	<i>If the Orono City Council were truly creating its own fire department "from scratch," they would be coming up with their own resources to do it. Instead, they are recruiting current Long Lake firefighters to transition to their fire department and have already hired the former LLFD Chief, which necessitated Long Lake needing to hire a new Chief.</i>

More info on our website - longlakemn.gov



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Update on Long Lake Fire Department Contractual Relationship with Orono

The Long Lake Fire Department (LLFD) was founded in 1915, and the City of Long Lake has a lot of pride in its Fire Department and firefighters who have served our community for many, many years. The LLFD serves the cities of Long Lake, Orono, Minnetonka Beach, and southern Medina. In April, 2021 the City of Orono officially notified the City of Long Lake that it is terminating the contract for fire protection services that has been in effect since 2002. This termination will take effect on December 31, 2025. Since that time, several letters have been exchanged between the two cities and they are listed below (along with other pertinent presentations and videos) in chronological order from the most recent to the oldest.

In the summer and early fall of 2022, two City Council representatives from each City (in our case, Mayor Miner and Council member Dyvik) began meeting on a regular basis to discuss the future of fire service in our communities, as well as in the other cities served by the Long Lake Fire Department. Various options were being considered; however, in late September Orono stopped participating in the negotiations and instead sent a letter to Long Lake offering the "transition" of the LLFD to the City of Orono. Long Lake responded to that letter on October 12 and again on January 27. Copies of all letters between the two cities regarding the Fire Department situation are available below. We will keep Long Lake residents informed of potential outcomes as we move forward. In addition to communications with Orono, City staff and Council members have also been participating in a working group comprised of several area cities and fire departments that was initially led by the Minnesota State Fire Marshals Office. The group is discussing ways to potentially consolidate fire departments and/or share equipment. This is due, in part, to a national trend of fire departments consolidating due to ever-increasing staffing shortages and rising equipment and facilities costs.

Stay tuned for more information on this very important topic to our communities.

Correspondence, News & Presentations

[Letter to Orono City Council From Attorney Representing Long Lake Dated May 17, 2023](#) - Follow-Up Letter Regarding Orono's Breach of the Agreement and Contract for Fire Protection with the City of Long Lake

[Informational Handout, Claims vs. Facts Regarding the Long Lake Fire Department \(May 2023\)](#) - This two-page informational piece was prepared to help address some of the most common questions and misinformation we're hearing regarding the fire services situation.

[May 4, 2023 Star Tribune Article - "Orono has the chief, the truck - but so far, no fire department"](#)

In an effort to ensure residents served by the Long Lake Fire Department (LLFD) are apprised of the latest information regarding the LLFD, the City of Long Lake suggests that citizens read a recent Star Tribune article (see link above) regarding the situation.

[Letter to Orono City Council From Attorney Representing Long Lake Dated April 25, 2023](#) - Letter Regarding Orono's Breach of the Agreement and Contract for Fire Protection with the City of Long Lake

[Presentation by Long Lake City Council, 2/7/2023 City Council Meeting](#) - Presentation of Long Lake's Response/Counter Offer to Orono

[Letter from Long Lake City Council to Orono's Council Dated January 27, 2023](#) - Response to Offer for Transition of the Long Lake Fire Department to Orono



Public Comment

Please Remember

State your:

- Name
- Address
- City
- 3 minutes per speaker
- One turn per speaker
- Only speak at microphone station
- Be courteous
- Being recorded
- ***No decisions are being made tonight***



**Additional feedback can be sent to Long Lake City Council via email to sweske@longlakemn.gov by Tuesday, May 30th at 5:00 PM*