

Long Lake hires lawyer in fire department dispute

- By Todd Abeln reporter.patriot@apgecm.com
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The city of Long Lake has made a big move in its ongoing dispute with the city of Orono in regards to fire services in the area.

Long Lake has hired the law firm of Larkin Hoffman to represent the city in the dispute.

In a letter dated April 25, 2023, Larkin Hoffman attorney Christopher H. Yetka sent a letter to the city of Orono informing them of his retention.

“I have been retained by the City of Long Lake to pursue all remedies stemming from Orono’s breach of the October 15, 2002 Agreement and Contract for Fire Protection, as amended. 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. To date, Orono’s actions have caused the City of Long Lake damages, and if they

continue, could affect the quality of fire services provided by Long Lake. If Orono does not immediately refrain from interference with Long Lake's duties in furnishing all firefighting services to Orono, Long Lake, Medina and Minnetonka Beach, Long Lake will be forced to bring an immediate action, and seek any and all monetary and equitable relief, including injunctive relief if appropriate," the letter read.

Since 2002, Long Lake has provided fire service to the city of Orono. Over time that contract has expanded so that the Long Lake Fire Department covers the entire city of Orono. As the service has expanded, so has the cost to the city of Orono - that city now comprises 85 percent of the Long Lake Fire Department budget.

In early 2021, Orono informed Long Lake it would not be renewing the contract with Long Lake when it expires in 2025.

Since that time, Orono and Long Lake have tried to negotiate a new contract but couldn't come to an agreement. When negotiations broke off, Orono offered to buy the Long Lake Fire Department for about \$1.5 million and provide fire service to Long Lake for 10 years at an annual cost of \$70,000.

Long Lake countered that offer in January 2023 with an offer to sell the LLFD for \$2 million but retain ownership of the Long Lake Fire Station 1 and rent it to Orono to use. Long Lake would also pay for fire services in that offer. Orono has not responded to that offer.

In the meantime, Orono has started down the path to creating its own fire department by registering with the state fire marshal, purchasing a fire ladder truck and hiring Long Lake's then-fire chief James Van Eyll as Orono's first fire chief.

Yetka uses all three of those reasons along with Orono's attempt to move Fireman's Relief Association funding from Long Lake to Orono as proof for the breach of contract. The letter also gives a fourth reason, stating that "Orono has stated it will refuse to approve future Capital Budgets or future shared purchases under the current contract."

Yetka said the breach of contract is clear.

"Each of these actions taken individually are a breach of the Agreement," Yetka wrote. "However, as a whole, they are clear evidence of a repudiation of the Agreement, anticipatory ongoing breach of the Agreement before it expires in December 2025, and a violation of the covenant of good faith and fair dealing that is implied in every contract. There can be no reasonable explanation for Orono hiring a fire chief and purchasing a ladder truck three years before the expiration of the Agreement, or approaching the Minnesota Legislature about moving the Fireman's Relief Association over two and a half years before the expiration of the Agreement."

Yetka notes that Long Lake has not given up on negotiating an agreement that is agreeable to both cities.

“Long Lake’s primary goal is to provide continued outstanding fire services to its member cities. With that in mind, Long Lake has had ongoing discussions with Orono on proposals to resolve this conflict. Long Lake will continue to work in good faith to the extent that it appears the goal of those discussions is a workable fire department that will service not only Orono and Long Lake, but Medina and Minnetonka Beach as well. However, should Orono continue with any future actions that will adversely affect Long Lake’s ability to perform under the Agreement, it will immediately institute an action against Orono to compel Orono’s performance under the Agreement, and to recover any and all damages available to it. By this letter, Long Lake expressly reserves, and does not waive, any of its rights under the Agreement and the Law.”

The entire letter can be read by going to the city of Long Lake website at longlakemn.gov.

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