



EXCELSIOR FIRE DISTRICT

Proudly serving the communities of: Deephaven, Excelsior, Greenwood, Shorewood, & Tonka Bay

Excelsior Fire District Board Meeting
Wednesday, May 27, 2026
6:00 pm
Excelsior Fire District - EOC (Station 1)
Meeting Agenda

1. Call to Order
2. Approval of Agenda
3. Approval of Meeting Minutes (April)
4. Consent Agenda
 - a. Resolution 26-003
 - b. Monthly Fire District Administrative Reports – April 2026
 - c. Report of the Operating Committee minutes – April – May 2026
5. Closed Session
6. Matters from the Floor
7. Report Agenda
 - a. Fire Chief / Fire District Report/ Major All calls/Staffing update.
8. Unfinished Business
 - a. Verbal update from OC on Fire Chief process
 - b. Interim Fire Chief wage adjustment
 - c. 2027 Budget update
9. New Business
 - a. Policy Review process
 - b. EFO
 - c. Discussion of Joint Powers Agreement Draft Amendment
10. Next Meeting
 - a. Fire Board Meeting, June 24, 2026, at 18:00.
11. Adjourn

EXCELSIOR FIRE DISTRICT BOARD MEETING MINUTES

12:00 p.m., Tuesday, March 10, 2026

Excelsior Fire Department

24100 Smithtown Road

Shorewood, MN 55331

CALL MEETING TO ORDER: Board Chair, Jennifer Gallagher, called the Board Meeting to Order at approximately 12:02 p.m.

BOARD MEMBERS PRESENT: Chair Jennifer Gallagher; Board Member, Jennifer Caron; Board Member, Tony Jewett; Alternate Board Member, Adam Jennings

VIRTUAL APPEARANCE: Board Member, Dustin Maddy (travel)

EX OFFICIO BOARD MEMBERS PRESENT: Chair Dan Madsen, Board Member, Marc Nevinski; Board Member, Tom Fletcher

ABSENT: Ex Officio Board Member, Kristi Luger

STAFF: Fire District Attorney, Joshua Dorothy (virtually); Fire Chief, Curt Mackey

OTHERS: Attorney, Tim O'Connor; Attorney, Allison Andersen

Operating Committee Chair, Dan Madsen, asked Chief Mackey and his attorney, Tim O'Connor, if they wished to have the meeting open to the public. Chief Mackey and Attorney O'Connor affirmed their intent to have the meeting closed to the public.

Operating Committee Chair Madsen explained that the meeting was set on pursuant to Minn. Stat. 13D.05, Subd. 2(b) to review an investigation report and consider allegations or charges against an individual subject to the authority of the Fire Board, and that the statute requires that the meeting be closed unless the individual who is the subject of the meeting requests that the meeting be open. Madsen continued that only members directly involved with the subject matter of the meeting were allowed to be present during the closed meeting, noting that people who may be called as witnesses or that may present evidence for consideration can wait outside the room and will be brought in for those purposes when appropriate.

Motion was then made by Alternate Board Member Jennings, and seconded by Board Member Caron, to enter into Closed Session as presented. Motion carried by unanimous roll-call vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye. The Fire District Board entered into Closed Session at approximately 12:08 p.m.

Motion was made by Board Member Jewett, and seconded by Board Member Caron, to recess the meeting and reconvene at 12:00 p.m., Wednesday, March 11, 2026 at Deephaven City Hall. Motion carried by unanimous roll-call vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye. The meeting was recessed at approximately 4:56 p.m.

Respectfully submitted this 13th day of May, 2026

Dan Madsen

City Administrator / Special Counsel

Deephaven, Minnesota

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EXCELSIOR FIRE DISTRICT BOARD MEETING MINUTES

12:00 p.m., Wednesday, March 11, 2026

Deephaven City Hall
20225 Cottagewood Road
Deephaven, MN 55331

CALL MEETING TO ORDER: Board Chair, Jennifer Gallagher, called the Board Meeting to Order at approximately 12:03 p.m.

BOARD MEMBERS PRESENT: Chair Jennifer Gallagher; Board Member, Jennifer Caron; Board Member, Tony Jewett; Alternate Board Member, Adam Jennings

VIRTUAL APPEARANCE: Board Member, Dustin Maddy (travel); Ex Officio Board Member, Tom Fletcher (travel)

EX OFFICIO BOARD MEMBERS PRESENT: Chair Dan Madsen, Board Member, Marc Nevinski;

ABSENT: Ex Officio Board Member, Kristi Luger

STAFF: Fire District Attorney, Joshua Dorothy (virtually); Fire Chief, Curt Mackey

OTHERS: Attorney, Tim O'Connor; Attorney Allison Andersen

Board Chair, Jennifer Gallagher, reconvened the meeting to order at approximately 12:03 p.m. Operating Committee Chair, Dan Madsen, again asked Chief Mackey and his attorney, Tim O'Connor, if they wished to have the meeting open to the public. Chief Mackey and Attorney O'Connor affirmed their intent to have the meeting closed to the public.

Operating Committee Chair Madsen explained that the meeting was being reconvened pursuant to Minn. Stat. 13D.05, Subd. 2(b) to review an investigation report and consider allegations or charges against an individual subject to the authority of the Fire Board.

Motion was made by Alternate Board Member Jennings, and seconded by Board Member Jewett, to enter into closed session as presented. Motion carried by unanimous roll-call vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye. The Fire District Board entered into Closed Session at approximately 12:05 p.m.

Motion was then made by Alternate Board Member Jennings, and seconded by Board Member Caron, to exit Closed Session. Motion carried by unanimous roll-call vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye. The Fire District Board entered into Open Session at approximately 7:13 p.m.

Operating Committee Chair Madsen announced the open meeting and various members of the Excelsior Fire Department and general public entered Council Chambers. Madsen stated that the Board had reviewed seven findings made by Investigator Soldo in the Investigation Report related to the performance and conduct of Fire Chief, Curt Mackey. The first item discussed was Subfinding 1, whether discipline may be warranted on the finding that Chief Mackey did not request or receive Fire Board authorization to participate in the Relief Association and receive additional compensation for working duty shifts plus receiving annual Relief Association pension benefits. After discussion and review, Motion was made by Jennings, and seconded by

Gallagher, finding discipline may be warranted. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The second item discussed was Subfinding 2, that Chief Mackey did not timely inform the Fire Board of an invoice in the amount of \$51,409.57 for Fire Engine 11 manufacturing change orders. After discussion and review, Motion was made by Jennings, and seconded by Caron, that discipline may be warranted. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The third item discussed was Subfinding 3, that Chief Mackey did not timely inform the Fire Board of the Engine 21 crash that resulted in significant damage and rendered the engine out of service. After discussion and review, Motion was made by Caron, and seconded by Jennings, that discipline may be warranted. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The fourth issue discussed was the finding on Issue 3, which was determined by Motion from Jewett, seconded by Maddy, that no discipline was warranted. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye.

The fifth issue discussed was the finding on Issue 4, that Chief Mackey had knowledge of, and did not act, in accordance with Excelsior Fire District Personnel Handbook Section 5.15 entitled "Harassment Prevention," to address multiple verbal reports personnel made to him over a period of approximately three years regarding perceived disrespectful and disparate treatment based on gender. After discussion and review, Motion was made by Jennings, and seconded by Gallagher, that discipline may be warranted. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The sixth issue discussed was the finding on Issue 5 that Chief Mackey initiated and supported behavior by some Excelsior Fire District personnel as prohibited religious and race-based discrimination. After discussion and review, Motion was made by Jennings, and seconded by Caron, that discipline may be warranted. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye.

The final issue discussed was the finding on Issue 6, which was determined by Motion from Jewett, seconded by Maddy, that no discipline was warranted. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye.

Motion was then made by Jennings, and seconded by Caron, that all of the items found that may warrant discipline, are affirmed and do warrant discipline. Motion carried by majority vote: Caron, Aye; Jewett, Nay; Jennings, Aye; Maddy, Nay; Gallagher, Aye.

The Fire Board held a discussion regarding a path forward and reviewed potential dates for the continuation of the disciplinary hearing. After additional discussion and review, Motion was made by Jennings, and seconded by Caron, to direct the Operating Committee to bring forward recommendations for disciplinary actions commensurate with the findings made by the Board for consideration at a disciplinary continuation hearing to be scheduled in April before the regular

April Fire Board Meeting. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye.

Motion to adjourn was then made by Jewett, and seconded by Jennings. Motion carried by unanimous vote: Caron, Aye; Jewett, Aye; Jennings, Aye; Maddy, Aye; Gallagher, Aye, and the Loudermill phase of the disciplinary hearing was adjourned at approximately 7:42 p.m.

Respectfully submitted this 13th day of May, 2026

Dan Madsen

City Administrator / Special Counsel

Deephaven, Minnesota

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EXCELSIOR FIRE DISTRICT BOARD MEETING MINUTES

12:00 p.m., Wednesday, April 8, 2026

Deephaven City Hall

20225 Cottagewood Road

Deephaven, MN 55331

BOARD MEMBERS PRESENT: Chair Jennifer Gallagher; Board Member, Jennifer Caron; Board Member, Tony Jewett; Alternate Board Member, Adam Jennings; Board Member, Dustin Maddy

EX OFFICIO BOARD MEMBERS PRESENT: Chair Dan Madsen, Board Member, Kristi Luger; Board Member, Marc Nevinski; Board Member, Tom Fletcher; Board Member Max Peters

STAFF: Fire District Attorney, Joshua Dorothy (virtually); Fire Chief, Curt Mackey;

OTHERS: Attorney, Tim O'Connor; Attorney Allison Andersen

Board Chair, Jennifer Gallagher, called the meeting to order at approximately 12:03 p.m. Chair Gallagher read the items on the Consent Agenda and called for approval as follows:

1. Approve Excelsior Fire District Resolution #26,001, Annual Appointments
2. Approve Excelsior Fire District Resolution #26-002, Engine 21 Financing Options

Motion was made by Caron, and seconded by Jewett, to approve the Consent Agenda. Motion carried by unanimous vote.

Chair Gallagher then explained that the next item on the Agenda required the Board to enter into Closed Session. Operating Committee Chair Madsen explained that the Board would move into Closed Session pursuant to Minn. Stat. 13D.05, Subd. 3(b) to discuss threatened or pending employment-related litigation under the Attorney-Client exception to the Open Meeting Law. Motion was made by Jennings, and seconded by Jewett, to enter into Closed Session as presented. Motion carried by unanimous vote and the Board entered into Closed Session at approximately 12:15 p.m.

Motion was made by Jennings, and seconded by Caron, to move into Open Session. Motion carried by unanimous vote and the Board entered into Open Session at approximately 12:57 p.m.

Chair Gallagher explained the task of the Fire Board, to discuss and review the investigation report, all memoranda and evidence submitted during the hearing process, and make a determination on the level of discipline warranted by the conduct of Fire Chief, Curt Mackey. Members of the Fire Board discussed their impression, understanding and position of the testimony, evidence and facts presented with each Board Member providing their position on the matter. After an extended discussion and debate, Motion was made by Caron, and seconded by Jennings, to terminate the employment of Fire Chief, Curt Mackey, effective immediately. Motion carried by majority vote, with Gallagher, Jennings and Caron voting in favor; and Jewett and Maddy voting in opposition to the motion.

Motion was then made by Caron, and seconded by Jennings, to adjourn the meeting. Motion carried by unanimous vote and the meeting was adjourned at 3:23 p.m.

Respectfully submitted this 13th day of May, 2026

Dan Madsen
City Administrator / Special Counsel
Deephaven, Minnesota

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MINUTES

1. CALL TO ORDER

Chair Gallagher called the meeting to order at 6:02 P.M.

ROLL CALL

Present: Excelsior Fire District (EXFD) Boardmembers: Gallagher, Maddy, Jewett, Vogel (alternate), and Broas

Also present: Excelsior Fire District Assistant Chief Basinger; Deephaven Administrator Madsen; Shorewood City Administrator Nevinski; Tonka Bay City Administrator Peters; Excelsior City Manager Luger

Absent: None Boardmember Jennings

2. APPROVAL OF AGENDA

Maddy moved, Jewett seconded, approving the EXFD Governing Board meeting agenda, as presented. Motion passed 5/0.

3. APPROVAL OF MINUTES

- A. January 2026, EXFD Board Minutes**
- B. March 2026, EXFD Board Minutes**

Broas moved, Maddy seconded, approving the EXFD Board Work Session Minutes of January and March 2026, as presented. Motion passed 4/0/1 (Vogel).

4. CONSENT AGENDA

- A. Monthly Fire District Administrative Reports – January - March 2026**
- B. Report of the Operating Committee Minutes – January - March 2026**
- C. Third Account Signer**

Braos moved, Jewett seconded, approving the Consent Agenda, items A through C, as presented. Motion passed 5/0.

5. MATTERS FROM THE FLOOR

Boardmember Maddy noted that a lot of dialogue was not picked up on the microphone in the January meetings. He asked if there was something they should be doing differently. Mr. Nevinski stated that it was corrected by LMCC, and a microphone was reprogrammed.

6. REPORT AGENDA

- A. 2025 Abdo Fire District Audit video presentation**

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Chair Gallagher asked if everyone had an opportunity to view the audit presentation and if there were any questions.

Boardmember Maddy stated he could queue up the presentation if anyone wanted to view it again.

Maddy moved, Jewett seconded to accept the 2025 audit. Motion passed 4/0/1 (Vogel).

Mr. Madsen asked if the audit would be available online somewhere. Assistant Chief Basinger stated it should be included in the Board's agenda packet.

Boardmember Maddy added that it was not in the packet but attached to the email that was sent out.

B. Chiller replacement at Station 1 (update)

Assistant Chief Basinger explained that the chiller startup is scheduled for a week from April 22, 2026. Electrical came and removed the old chiller, but the original wiring was damaged when it was installed.

Boardmember Jewett asked where the chiller sits in the building. Assistant Chief Basinger responded that it is up by the PD Garage.

Assistant Chief Basinger stated that the electrician recommended replacing the wiring, as the current wiring could damage the new chiller. The estimated cost to replace the wiring is \$14,500. Staff have been working with the contractor on that change order to find some room to absorb those costs. The hope is that the staff can use liquidated damages to offset the costs.

Chair Gallagher asked if this was something done by the electrician. Assistant Chief Basinger stated this was an existing condition and was only discovered when the old chiller was pulled out. This is a legitimate change order, and the staff is trying to get any extra costs covered.

Assistant Chief Basinger stated that electrical work is being done this week, and startup will be next week, along with testing and balancing of the new chiller.

C. Fire Chief / Fire District Report / Major All Calls / Staffing update

Assistant Chief Basinger stated the Fire Department has received their new air packs and has been using them at a recent training burn. Fire Department staff put the Department's boat in the water, but it has an ongoing issue with the motor steering module. It is functional, but a backup boat will be used until the other boat is fixed.

Assistant Chief Basinger stated that last Thursday, April 16, there was a house fire in Shorewood, and the EXFD was sent an update. No other major all calls have occurred since the EXFD last met.

Boardmember Jewett asked what caused the house fire. Assistant Chief Basinger stated it was still under investigation, but once he got all the information, he would present it to the EXFD.

Chair Gallagher added that Mutual Aid helped with the house fire.

Boardmember Jewett asked how long it took the Fire Department to get to the fire in Shorewood. Assistant Chief Basinger stated that Minnetonka got there first, but arrived a few minutes after Minnetonka at just under six minutes.

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Boardmember Maddy stated that Hennepin County has fire investigators who are offered for free, and this District has turned them away. He stated he wanted the EXFD to be aware of this, since this service is already provided through county taxes, and it should be utilized.

Chair Gallagher stated it would be wise for the District to use the Hennepin County fire investigators, as they have more resources available to them than the District does.

Boardmember Maddy asked if the EXFD Board should give Assistant Chief Basinger direction to utilize Hennepin County fire investigators in the event there is a structure fire. Assistant Chief Basinger stated there is nothing to lose by utilizing the Hennepin County fire investigators, and it would be a benefit to the District, and could act in a supportive role.

Boardmember Jewett asked if it is too late to bring in the Hennepin County fire investigators for the recent Shorewood fire. Assistant Chief Basinger confirmed it was too late. Boardmember Jewett asked if the investigation is happening internally. Assistant Chief Basinger stated that if the Fire Marshall is around, she will take on those investigations, but if she is unavailable, the District will call the Hennepin County fire investigators.

Boardmember Jewett asked if the Hennepin County fire investigators were on the scene of the Shorewood fire. Assistant Chief Basinger confirmed that they were there. Boardmember Jewett asked if the Hennepin County fire investigators did anything that might have helped with the investigation.

Chair Gallagher stated that she thought the fire investigators were turned away. Boardmember Maddy confirmed the fire investigators were turned away, but not by the Incident Commander, and that needs to be looked into.

Assistant Chief Basinger stated that the Incident Commander would be in charge of the whole scene, and decisions should be run through them for safety and accountability.

Assistant Chief Basinger added that he would put together a short presentation about the house fire in Shorewood that will be shared with the different city councils.

Assistant Chief Basinger added that staffing for the Department is at 43 members and is anticipating two retirements at the end of the year. The Third Battalion will be joining the District in 2027, which will be helpful as they lose two retirees. There are currently four to eight employees who may leave at any time for various reasons, which would put staffing closer to the mid-30's. Past experience has shown that it is when firefighters start to get burned out with shift requirements. This has led the District to push to hire four to six firefighters this fall to maintain staffing closer to the low 40's.

Boardmember Jewett asked how many of the employees who are considering leaving are at Station Two. Assistant Chief Basinger stated that probably two or three of the employees, and this is speculative, as he watches performance metrics.

Boardmember Maddy asked if it is policy to let firefighters leave for a while and welcome them back if they come back to the District. Assistant Chief Basinger stated that as long as firefighters can meet the onboarding requirements, they are welcome to come back.

Assistant Chief Basinger noted that there were questions about the part-time inspector role that is vacant. The Second Battalion Chief position is in charge of emergency management and has a primary responsibility to help manage special events. The idea was that the Second Battalion Chief would take

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on the role as part-time inspector as well, because it is now considered a separate role that a firefighter cannot fulfill because of dual service. This could require the District to hire someone from the outside if the Second Battalion Chief cannot pick up special event inspections.

Chair Gallagher asked how many hours per week this position would require. Assistant Chief Basinger stated that it is budgeted at 15 hours per week. Chair Gallagher asked if these inspections would be events like Concerts in the Commons. Assistant Chief Basinger confirmed it would be for those types of events.

Boardmember Jewett asked if it is typical for food trucks to be inspected on a Saturday, or if it can be done prior to an event. He added that residents mention that they are unaware that the Fire Department has to inspect food trucks, and it has held up events before. Assistant Chief Basinger stated that he is not aware of what is required, but typically, as the food truck gets set up for an event, an inspector would come look at it, but some of that is at the discretion of the municipality.

Boardmember Jewett stated there was a misconception that food trucks could be inspected once at the beginning of the year, but that is not really the case. Assistant Chief Basinger added that he was not sure how the inspections work. Boardmember Jewett noted that maybe everyone needs some education on this topic, especially as the District tries to fill this part-time inspector role.

Boardmember Maddy stated that in Excelsior, inspections would happen on Fridays before the events started. Those inspections checked that tents were weighed down and fuel was stored correctly.

Chair Gallagher stated she was wondering about inspections for events like Wednesday night Concerts in the Commons, and food trucks show up.

Ms. Luger noted that it was her understanding that inspections happened the day of the event.

Scott Gerlicher, Rotary Events Chair, added that in Excelsior, the food trucks are inspected twice and have to show up at a facility sometime between now and the first concert for inspection, and every Wednesday prior to the concert, they are inspected again on site.

Assistant Chief Basinger noted that the discussion is really about who will do those on-site inspections.

Assistant Chief Basinger added that there was a live burn in Tonka Bay that went really well, and other departments have requested to burn with the District due to the number of houses that are offered up to the District to burn and train on.

Chair Gallagher stated she was at the live burn and learned a lot.

Assistant Chief Basinger added that the EXFD is welcome to join the Department during a live burn and watch a live fire demonstration.

Boardmember Jewett asked how the city approval went for the live burn. Mr. Broas noted that the event brought up some concerns with the Tonka Bay Council.

Mr. Peters explained that the value of performing these burns and the education that the Fire Department gets from them far outweighs any of the concerns that were voiced, but it was discussed at the Council meeting, and they approved it.

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Chair Gallagher noted that firefighters do inform the neighbors of the live burn and that the fire was under control.

Boardmember Jewett noted that they tried to do a live burn in Deephaven, but neighbors were too concerned, so they opted not to do it.

Mr. Broas added that there were similar concerns in Tonka Bay, but the Council took the position of helping the Fire Department.

Assistant Chief Basinger added that the Department really appreciates getting to do live burns, and Staff made calls back to anyone who called with concerns about smoke management and asbestos.

D. Communications

Assistant Chief Basinger added that it has been requested to upload the entire EXFD Board packet to the website, in addition to the agenda. He noted that the staff is trying to navigate uploading communications because it includes personal information and would not be appropriate to put on the website. While some personal information can be redacted, he asked for the EXFD to give him and the staff direction on how to handle that.

Chair Gallagher noted that it was a good call not to put personal information and account numbers on the website.

Mr. Madsen added that the Operating Committee could come up with some guidelines if that would be helpful.

Assistant Chief Basinger stated that it would be helpful, and he wants to keep up with best practices with government entities.

7. UNFINISHED BUSINESS

A. Engine 21 replacement financing (update)

Assistant Chief Basinger noted that at the last meeting on April 8, the resolution was passed for option three, and after following up with PNC, there was some mixed communication about when the rate would be locked in. This was communicated to the Operating Committee last week as well. The rate will lock in when they close on the truck, which contradicts what they were previously told. He added that the District would have to make an interest-only payment in 2027, with the first payment in 2028 to lock in an interest rate. Discussions with PNC will continue to finalize all the details.

Boardmember Jewett asked why a decision had to be made about this in March. Assistant Chief Basinger stated he was not entirely sure and got conflicting information from PNC.

Assistant Chief Basinger noted that Mr. Peters would be helping spearhead this and provide better insight.

B. Current Engine 21 repairs

Assistant Chief Basinger explained that Engine 21 is back in McQueen's body shop getting mechanical and pump repairs fixed, and should be back in service next week and will be tested by the Department.

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Boardmember Jewett stated Engine 21 is not being totaled. Assistant Chief Basinger confirmed it is not being totaled.

Chair Gallagher asked if the EXFD had received the bill for that repair yet. Assistant Chief Basinger responded that the repair is going through insurance.

C. Mailbox replacement

Assistant Chief Basinger noted that there is a memo in the packet regarding this. The League denied the Homeowner Association (HOA) claim on the mailboxes, but the EXFD discussed reimbursing the HOA for those costs. The League of Minnesota Cities insurance adjuster did not have any issues with reimbursing the HOA, and Attorney Dorothy wrote an opinion, reimbursing the HOA, and Attorney Dorothy wrote an opinion that was included in the packet, settlement agreement, and release that was included in the packet. The damage was listed at \$4,400. He asked if the EXFD would approve a reimbursement not to exceed \$5,000.

Chair Gallagher stated Attorney Dorothy's memo mentioned that it was unclear if the payment was going to individuals or the HOA. Assistant Chief Basinger noted that the payment would go to the HOA.

Boardmember Jewett noted that the League of Minnesota Cities is covering the truck repairs, but not the mailboxes. Boardmember Maddy stated that insurance is covering the truck because it was responding to an emergency.

Chair Gallagher asked to make a motion to reimburse the HOA in an amount not to exceed \$5,000.

Boardmember Maddy stated that when he read the memo, the lawyer stated that the EXFD has to base this on a moral issue, so there is no precedent set that will cover all damages in perpetuity. He asked the Administrators how much their cities spend on snowplow damage to mailboxes.

Mr. Nevinski indicated that he did not know that number. Boardmember Maddy noted that common business is to replace the damage that they do, and the Fire District should follow that same practice.

Mr. Madsen added that his city does not hit mailboxes, but if they did, they would replace them.

Chair Gallagher noted that it is a good neighbor policy. Boardmember Maddy stated he was strongly advocating that the Fire District pay for them.

Ms. Luger noted for the record that Excelsior's mail gets hand-delivered, so mailboxes are not hit there either, but will do sod repair.

Boardmember Maddy moved to reimburse the Homeowners Association not to exceed \$5,000.

Assistant Chief Basinger stated there was one point of clarification in the memo from Attorney Dorothy about the HOA providing a W-9 form. If the HOA is reluctant to provide it, the EXFD should still pursue that.

Boardmember Maddy stated he would modify his motion.

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Maddy moved, Jewett seconded to reimburse the Homeowner's Association not to exceed \$5,000, and the Homeowner's Association will provide a W-9 if requested by the EXFD, before reimbursement. Motion passed 5/0.

D. 2027 Budget

Assistant Chief Basinger noted this will be discussed more in the May Work Session. The big question, though, for the budget will be regarding the building and the deferred maintenance.

Chair Gallagher asked if a spreadsheet had been created for capital improvements for the building. Assistant Chief Basinger responded that he has not seen anything like that.

Boardmember Maddy noted that the building assessment showed that the building is starting to age and will require some large-scale expenses. Typically, there is a 20-year projection estimate of work, which was done by Carl Sanderson.

Chair Gallagher asked if an assessment had ever been done previously. Boardmember Maddy responded that there was not another one that he had ever seen. He noted that he was told by previous members that the District was not allowed to sit on community funds and would have to ask when needed.

Chair Gallagher added that it would have been nice to know when things were going to fall apart, whether the District was setting money aside or not. Boardmember Maddy responded that the SCBAs were the icing on that cake, because the District never got the grant money they were hoping for.

Chair Gallagher asked if there is a realistic capital improvement plan. Boardmember Maddy stated that the beauty of having a 10 to 15-year lookout is that if something does last longer than expected, then the District reduces contributions to the Reserve fund accordingly.

Boardmember Jewett added that the biggest issue in the report was the leaking roof, which was the most immediate need.

Assistant Chief Basinger confirmed that for the flat roofs, that is correct, and is already included in the 2027 budget proposal.

8. NEW BUSINESS

A. Fourth of July/ Fireworks – Rotary

Zarir Erani, President of the Rotary, and Scott Gerlicher, Events Chair, introduced themselves. Mr. Erani noted that historically, the Excelsior Chamber has operated the Fourth of July fireworks, but the Mayor of Excelsior asked the Rotary to take over. He added that the Rotary is willing to raise the money and do the fireworks show on the water, but does not have the resources to support the fireworks show on land. The issue of Public Safety was recently addressed by the Rotary with the South Lake Minnetonka Police Department, and historically, cities have set aside funds donated to the Chamber, which are used to pay for overtime to accommodate Public Safety on the Fourth of July.

Mr. Erani continued that, given that there is no planned event on land, the question is whether fire support is needed while people watch the fireworks on the water. He noted that Deephaven had shown interest in doing a fireworks show on the Fourth of July as well, and asked if there was enough fire coverage for both events. He asked if the Rotary needs to coordinate an HCMC ambulance at an additional cost, if there is no event on land.

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Chair Gallagher asked what the Rotary's ideal situation is.

Mr. Erani noted that the ideal situation would be to contract with the barge and the firework vendor, pay for those services, and have a firework show in the bay. The vendor would handle all insurance. The Rotary would have nothing to do with anything that happens on land, and the cities would commission their own Public Safety Departments to cover that extra cost.

Mr. Gerlicher added that after receiving budgets from the Police and the Fire Department, and speaking to some of the cities, there is a gap of \$10,000 on the Public Safety aspect. If that is not doable by the cities, the fireworks would not happen. The Rotary has the ability to raise the funds for the fireworks show, but not for the Public Safety effort.

Ms. Vogel asked what Deephaven is doing.

Mr. Madsen responded that Deephaven is not doing a fireworks show, the Minnetonka Yacht Club is doing the fireworks show, and will comply with all special event protocols. The city of Deephaven would donate to the Minnetonka Yacht Club, but that is the extent of the city's support.

Ms. Vogel asked if that show would be visible from the Commons. Mr. Madsen responded that he did not know.

Mr. Erani responded that, according to what he heard last night, it would not be visible. Mr. Madsen asked who presented last night. Mr. Erani noted it was the Coordinating Committee, but it was the Mayor's office that said it would not be visible. Mr. Madsen asked where the Committee suggested the fireworks were going to be launched from.

Mr. Gerlicher noted it was suggested to launch fireworks from the Yacht Club.

Boardmember Jewett noted that the fireworks will be on a barge out on the water. The same pyrotechnic company will do both shows, synchronize the fireworks together, and they should be visible from where the barge is based, based on previous shows done in 2020 and 2021.

Mr. Gerlicher noted there was some serious negative feedback in Excelsior about previous shows. Boardmember Maddy added that there was negative feedback from his city, too.

Ms. Vogel noted that the shows were very disappointing.

Boardmember Maddy stated that the fireworks from Commons Park were tiny.

Chair Gallagher asked Assistant Chief Basinger how the Fire Department is staffed on July 4th. Assistant Chief Basinger noted that there are shifts for people to sign up based on the events and staffing needs. The biggest concern in the evenings is traffic and congestion, and the Fire Department's ability to respond to emergencies throughout the district, as there is a massive influx of people.

Chair Gallagher asked if there is going to be a race this year.

Mr. Erani noted that there is still going to be a race, and daytime activities are still occurring, but there will not be a fireworks show or any events in the park.

Mr. Gerlicher added that another issue that was raised was inspections of the barges and fireworks.

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Assistant Chief Basinger stated he spoke with Chief O'Keefe and the Fire Marshal, and was told they cannot say yes or no without seeing plans for both of those events. If there are two barges, the District only has one boat that is capable of responding to an emergency, so another Department would have to assist in covering the second barge.

Mr. Gerlicher asked if that would affect the cost. Assistant Chief Basinger said it could potentially cost more for coverage from that other Department.

Boardmember Maddy asked if the EXFD makes that choice, or if Water Control dictates where resources are distributed on the water. Assistant Chief Basinger stated that Water Control runs the show, but he was told that if there were multiple barges, there needed to be more fire resources.

Boardmember Jewett asked if the District has two boats, and is using a backup boat right now. Assistant Chief Basinger confirmed they are using the backup boat, and there are two boats, but the second boat is a smaller 12 to 14-foot boat.

Chair Gallagher asked if the Fire Marshal had inspected the barges in the past. Assistant Chief Basinger confirmed that the Fire Marshal has done the inspections in the past.

Mr. Madsen asked to clarify if the Rotary is asking for funding from cities to help support police presence and response, and any Fire Department expenses. Mr. Erani added that they are also asking the cities for ambulatory responsibility, which has historically been provided pro bono by HCMC, but given their budget constraints, they have come back to the Rotary with a \$5,000 cost.

Mr. Madsen stated the city of Deephaven's contribution was around \$1,500 a year. He asked if the Rotary has factored in any other expenses or costs that may happen that would impact Excelsior, the Commons, parking, and crowd control.

Mr. Erani stated that the Rotary has not looked into any of that and assumed that Public Safety would cover all of the crowd control issues.

Mr. Gerlicher noted that because the races would be held by the Chamber of Commerce at the Commons, some of those traffic control devices, such as cones, could be reused.

Chair Gallagher asked if the Rotary had an agreement with the Chamber of Commerce for those items. Mr. Erani noted that they have had conversations with the Chamber of Commerce, but nothing is firmed up yet.

Mr. Madsen asked if the Chamber of Commerce has provided a playbook on what they have typically done, so that there are the same number of portable restrooms and the same number of garbage receptacles. Mr. Erani stated that the Chamber of Commerce has not provided the Rotary with any type of playbook and simply shared their budget.

Mr. Madsen added that he will not speak for the city of Excelsior; he was just trying to run through what this event would look like and will defer to Ms. Luger.

Ms. Luger noted there have not been conversations on the Council yet about how much financial support Excelsior would be providing for this event. There have been conversations with the Rotary about applying for a special event permit, but the event is only on the water, not on land. This does not mean

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that Excelsior would be supportive of an event, but there has not been a conversation about it. An event like this would require substantial Public Works and Public Safety time. The most important aspect of this event is whether the communities are willing to support the Public Safety costs, because those are the most substantial. If the other cities are willing to share the cost, then the Excelsior Council could have a conversation about hosting an event like this.

Mr. Madsen noted that Deephaven would like to see Excelsior have fireworks as well, but is already making a contribution to the Minnetonka Yacht Club, and any other contributions would have to be taken up with the Deephaven Council.

Mr. Erani noted that Deephaven is having fireworks and asked if Deephaven is picking up those Public Safety costs. Mr. Madsen stated that Deephaven does not have fireworks, but the Minnetonka Yacht Club does. Mr. Erani asked if the Minnetonka Yacht Club is covering those Public Safety costs.

Mr. Madsen noted that the impact on the city of Deephaven is drastically different from that of Excelsior. The other concern is that Deephaven only has a firework display on the water and does not have a Commons, large beaches, or parking for any type of event, which is problematic and is why working with the Minnetonka Yacht Club is manageable. If it is the only firework show in the area, that would be a different conversation.

Ms. Lugar added that if the only fireworks happening were in Deephaven, residents would notice that there are no fireworks in Excelsior and would be very upset. The Excelsior Council would not advertise to residents that Excelsior is having a fireworks show, either.

Mr. Madsen stated that if that is the case, Deephaven would circle back with their Council and staff and would have to work out restricting parking and access to roads, and cannot accommodate the people from Excelsior and the area that would normally be at the Commons on their small roadways.

Chair Gallagher asked Ms. Lugar if she is saying that if Deephaven has fireworks, Excelsior will not. Ms. Lugar clarified that if Deephaven were the only fireworks show on the lake, and the Rotary is not having it, she would not advertise to residents that Excelsior is having fireworks. Residents would have a certain expectation of what those fireworks would look like, and it would be drastically different.

Boardmember Maddy added that maybe Deephaven wants the show to happen in Excelsior, because otherwise their city might have a few thousand people that they do not have room for.

Mr. Madsen noted that if Excelsior is not going to have fireworks, there would have to be a serious conversation about limiting and restricting traffic and parking in Deephaven.

Mr. Erani asked if Deephaven had the only firework display and if people would come to the Commons to watch them. Ms. Lugar stated she would anticipate people to come, and Excelsior would have to prep for that, and Public Safety and Public Works would have to be involved. The Excelsior Council would have to discuss what the community sentiment is, because if residents want their own fireworks show, there would have to be dollars contributed to that somehow.

Boardmember Maddy asked what the scope of the fireworks show is, and if there are two barges that need to be inspected, expected costs, and what Department one of those barges is contracted from, if there are two shows. Assistant Chief Basinger noted that a draft was put together based on what was done last year, and staffing was provided at an hourly rate, with the project coming in at \$13,860.

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Mr. Erani asked if that includes the whole day. Assistant Chief Basinger confirmed that it was for the whole day.

Boardmember Maddy noted that the Rotary would split that with the Chamber.

Assistant Chief Basinger added that the projection was broken down by hours provided in the morning and evening, and a standby crew on the boat, but there was only one barge last year. Boardmember Maddy noted the actual number would be bigger than the projection.

Boardmember Maddy stated that the actual number would be closer to \$15,000. Mr. Erani stated that the Rotary came up with a total of \$21,000.

Mr. Gerlicher stated that the Rotary has come up with half of that. Shorewood has budgeted \$7,500, Tonka Bay has budgeted \$2,500, and Greenwood and Excelsior have not budgeted for fireworks, and there is a gap there.

Boardmember Maddy added that the District does not want Deephaven paying for their fire coverage.

Ms. Luger noted that the barge inspection alone takes five hours. Mr. Gerlicher added that it would include both barge inspections.

Chair Gallagher asked if Rotary runs the Burgers and Bingo event by the bay. Mr. Erani noted the Rotary does not do that anymore. Chair Gallagher asked if that was the event that used to raise money for the fireworks. Mr. Erani stated that it provided a portion of their funding, but that event has progressively declined. He added that the Rotary has budgeted \$10,000 for this event and will raise additional funds to cover the entire amount.

Chair Gallagher asked if the Rotary had not taken this event over for the Chamber, if there would not have been any fireworks. Mr. Erani confirmed that it is correct.

Chair Gallagher asked if the Rotary is committed to doing fireworks if the District can get this figured out. Mr. Erani responded that if this can be included in the District's operating budget and the Rotary does not have to worry about the Public Safety side of things, the Rotary would raise funds for fireworks every year.

Mr. Gerlicher noted that there are only 72 days until the Fourth of July, so there is very little time to deal with all the logistical issues that have been raised. Mr. Erani added that the Rotary has never done this event before, and just wanted to step up for the community.

Chair Gallagher stated that at this juncture, the EXFD needs to take this back to their city Council's and come up with what they are willing to make as a contribution towards the fireworks. Mr. Erani added that there is currently \$10,000 budgeted from Tonka Bay and Shorewood.

Mr. Nevinski clarified that Shorewood has money budgeted for fireworks, but has not committed to anything, so this has to go back to the Council.

Chair Gallagher stated this needs to go back to all the Councils, and asked if the Rotary needs answers as soon as possible. Mr. Erani confirmed they do.

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Boardmember Maddy asked where the money used to come from, which is now being asked for from cities to cover.

Mr. Erani explained that cities historically gave money to the Chamber, which was redirected for Public Safety. Boardmember Maddy noted that Shorewood contributes one dollar per head, but adding up all the contributions of similar scope would not cover the \$20,000 to \$30,000 the Rotary needs to spend.

Mr. Erani noted that the HCMC is asking for money for the ambulance. He asked how many Public Safety aspects need to be at the park if there are no fireworks happening in the park.

Mr. Gerlicher added that the nature of Boardmember Maddy's question is the reason the Excelsior Chamber of Commerce does not want to do fireworks anymore, because it costs a lot of money.

Mr. Madsen noted that he had an email from Tiffany King, the last Chamber Director, who shared that the pyrotechnics cost \$25,000, the SLMPD cost was \$10,600, the EFD was \$6,700, with the total event cost of \$42,367. The Rotary used to contribute \$20,000, and all of the municipalities contributed \$15,000 collectively. Other fundraising included a raffle for \$500, and public donations coming in around \$1,600. The revenues were \$37,100, and this event was an expense for the Chamber every year.

Boardmember Maddy added that the total does not include paying for garbage and traffic control. Mr. Madsen confirmed that is correct, that only includes what was listed, and health, safety, and welfare needs to be focused on for large gatherings of people.

Chair Gallagher agreed that safety should be the number one aspect. When there are large gatherings of people, something will happen, and there needs to be an emergency response nearby. Action at this point will be discussing things with their respective Councils and getting back to the Rotary with an amount for a contribution.

Mr. Madsen asked if there is a specific ask the Rotary wants from the cities. Mr. Erani noted that there is a \$10,000 gap as long as Tonka Bay and Shorewood approve what had been allocated in their budget, so that would be the ask from Excelsior, Greenwood, and Deephaven.

Boardmember Maddy stated that Excelsior has expenses in kind. Ms. Luger stated that it should be determined by looking at the funding formula and splitting it between the cities. She added that if she were taking it to the Excelsior Council, the Assistant Chief Basinger, along with the Chief of Police, should get together to discuss costs to ensure that the Rotary does not come up short with funding.

Boardmember Jewett asked if the Water Patrol asked the Fire Department to be out on the water last year, and if the pyrotechnic contractor was involved at all.

Assistant Chief Basinger stated his understanding was that Water Patrol gets the permits for the fireworks barges, and requests perimeter support for those barges from other Fire Departments.

Boardmember Jewett added that it seems like the pyrotechnics contractor should be paying for the Fire and Police to be there to provide support. Boardmember Maddy noted that if the contractor does that, they will pass on the costs to the Rotary, and the District ends up in the same place.

Boardmember Jewett stated that maybe that is already in the fire contract, but he would have to look through it to see.

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Boardmember Maddy asked when Water Patrol asks for help on the lake, if that is a mutual aid agreement, and if there is no money transfer. Assistant Chief Basinger confirmed that is correct, and the District pays its own people to be out there.

Boardmember Maddy added that budgeted event activity is for everything except the fireworks display.

Boardmember Jewett asked if the Wayzata boat is out there, and if there are any other boats. Assistant Chief Basinger confirmed the Wayzata boat would be out there, but other boats will depend on staffing availability.

Mr. Erani asked if those shifts would be considered paid overtime. Assistant Chief Basinger confirmed it would be paid overtime.

Chair Gallagher asked if the EXFD should go with the \$15,000 from last year and divvy up the ambulance cost among each city.

Mr. Madsen said he would need a specific dollar amount and what it is going to cover, because Deephaven already made a contribution to the Minnetonka Yacht Club, and this would be in addition to that.

Chair Gallagher asked if the Rotary needs a total of around \$21,000. Mr. Erani noted that is what he heard for Police, Fire, and the ambulance.

Boardmember Maddy noted that it is a ballpark of about \$2.00 a person community-wide for expected costs, and that could be the ask for the Councils.

Ms. Vogel asked if that was the funding formula. Ms. Luger responded that the funding formula is way more complicated than that.

Ms. Vogel asked if the group is recommending using the funding formula as they did with the chiller. Mr. Nevinski responded that he does not, because this is going to cost more.

Boardmember Maddy stated he thought the EXFD is just trying to find out what each city is willing to contribute to the Rotary's ask.

Mr. Nevinski responded that the cities will have to decide if they want to contribute.

Mr. Madsen noted that at \$2.00 per head, Deephaven's contribution would be \$7,800, and if using the Police and Fire Departments through the JPA, the expense would be \$3,139, which is 29 percent of half of the \$21,000. This would be in addition to the contribution made to another entity, so whatever information he can get to be reviewed at the Council meeting on May 4 would be helpful.

Boardmember Jewett stated he would have to try and sell the Deephaven Council on contributing to other fireworks, when they are already doing their own, along with paying Police overtime to do that, and the Fire Department when the fireworks display is not on land, and dividing things out in terms of who is using what resources.

Mr. Erani asked if Excelsior chooses not to do fireworks, and people show up at the Commons to cover those costs. He noted that Excelsior is going to have to cover that. Ms. Luger confirmed that it would be correct.

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Mr. Erani noted the Rotary's ask then is for the cities to cover it, and the Rotary does not want to be in the middle of the Public Safety aspect and how this works. The Rotary is willing to raise funds to spend on the fireworks, and that is what they are willing to contribute for the community's sake, but if this is going to get really complicated, the Rotary does not have the bandwidth or the talent to make it happen. Ms. Luger suggested that the Operating Committee members come up with what the respective dollar amount should be, because her fear is that they come up short and are back at square one. She noted that the EXFD will go to their respective Councils with the formulas that they think are fair, run the request through their communities, and give an answer to the Rotary by May 7. She asked if that works with the Operating Committee to connect over email tomorrow.

Mr. Madsen stated that it would work, but it may not be a unanimous vote.

Boardmember Maddy stated that they would have to carve Deephaven out of some of the expenses. Ms. Luger stated that they would carve Deephaven out of the Police for sure, but Excelsior is going to have residual costs too because they are the host of the event and have to pick up the permit costs along with Public Works time.

Chair Gallagher added that Excelsior would have a lot of people coming into their city, and 70 percent of Fire calls are medical.

Ms. Luger added that she heard Mr. Madsen say he really wanted Excelsior to have the event, so Deephaven will have to negotiate.

Mr. Madsen noted that the challenge is that Deephaven has a Council that will not be expecting this conversation. The contribution made to the Minnetonka Yacht Club was also a divided conversation, so it may be difficult to approach this conversation, and there will be concern about using tax dollars to provide fireworks for the public.

Ms. Luger added that Excelsior does not even have this event budgeted, so it is in a similar situation, and even the \$2,500 of what used to be budgeted will be exceeded. Ms. Vogel added that the Excelsior Mayor would really support it, though. Ms. Luger agreed, but noted that they would have to see where the rest of the Excelsior Council and community falls. She added that there needs to be a funding formula, which may fall woefully short of what is needed.

Mr. Madsen agreed and stated that a starting point would be to use the contribution formula used for the EFD, which is a factual basis to use, and for Deephaven would be \$3,139.

Mr. Erani asked if there was anything Rotary needed to do to keep this conversation going.

Boardmember Maddy asked if the Rotary has exhausted their fundraising because people are passionate about the fireworks display. Mr. Erani noted the Rotary has not triggered all their fundraising yet, because they wanted to get an answer from the EXFD first and know what responsibility the Rotary is taking on.

Chair Gallagher asked how to get in touch with the Rotary after they met with their respective Council's and come up with their contributions. Mr. Erani stated he would leave his contact information with Ms. Luger.

Ms. Luger responded that her understanding is the Fire and Police Departments would be billing the cities for the costs, and the EXFD is indicating that they are willing to pay for that, so the bill is not going to the Rotary. The EXFD would be assuring the Rotary that the cities have those costs covered, and provided

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all cities are supportive, there would be a discussion of including this event in the 2027 budget moving forward.

Mr. Erani thanked the EXFD for their time.

B. Interim Fire Chief

Chair Gallagher noted that everyone got this information in their packet and asked if there was any discussion needed.

Boardmember Maddy stated he supported the Operating Committees' conclusion for this next step on the Interim Fire Chief.

Chair Gallagher stated that, at the May 27 meeting, the Operating Committee will recommend a third-party search firm to conduct the hiring process for the permanent Fire Chief and organizational consult for the EXFD's consideration. She asked for a motion to appoint Interim Fire Chief Basinger as the Interim Fire Chief until a permanent appointment is in place, and approve a retroactive temporary wage adjustment to be determined by the Operating Committee.

Maddy moved, Jewett seconded to appoint Interim Fire Chief Basinger as the Interim Fire Chief until a permanent appointment is in place, and approve a retroactive temporary wage adjustment to be determined by the Operating Committee. Motion passed 5/0.

C. Curt Mackey Severance

Chair Gallagher asked if there was any discussion regarding Curt Mackey's severance.

Mr. Madsen noted that the final hours would be helpful to know.

Boardmember Maddy stated the EXFD is doing their best to follow the handbook and did not see much grey area except for one aspect.

Mr. Madsen explained that the handbook states that when firefighters leave the District's employment, all vacation time earned as of the date of separation shall be paid upon termination. The policy also states that compensation for sick time will be bought back at one-half the unused sick leave, but that is if an employee leaves or resigns in good standing. The policy also states that the EXFD reserves the right not to pay severance compensation if an employee is terminated. He added that vacation time needs to be paid out hour per hour, and Mr. Mackey should receive his full compensation for the prorated salary to his last day of employment, so the question is whether he should be paid for his sick time. The Operating Committee and the EXFD have not been aligned in this process. There are three avenues they can take: either pay the sick time as provided at the one-half buyback, or do not pay sick time based on the termination clause, or find something agreeable to everyone, which is to ask for a waiver and release of any employment law claims that former Chief Mackey may have against the EXFD Board or the Fire District.

Ms. Vogel asked if they knew what the dollar amount was for the sick leave.

Boardmember Maddy asked if the EXFD should care what the amount is; it is based on policy and should not dictate the choice.

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Ms. Vogel noted that the amount of money needed to be material to come to a mutual agreement.

Chair Gallagher noted that according to the policy, they pay out vacation, but sick time is not required and is at the EXFD's discretion. Mr. Madsen confirmed it is at the discretion of the EXFD.

Ms. Vogel asked if the EXFD was going to pay it out; would they be entering into a situation that would make it clean.

Mr. Madsen asked if Interim Fire Chief Basinger had the number of hours. Interim Fire Chief Basinger stated the total number would be 643.3 hours. Mr. Madsen noted that they would be agreeing to pay for half of that.

Ms. Vogel noted that it is the number of hours, not a dollar amount. Interim Fire Chief Basinger noted the payout for half those hours would be \$21,730.67.

Chair Gallagher asked if they are voting on that and adding in the waiver.

Mr. Madsen explained that there was a termination here, and the policy reserves the right to a payout to the EXFD. While a payout is not warranted, there is another strong position that there were a lot of great years of service and a lot of accomplishments here by former Chief Mackey, and they should pay out the sick time. One way to gain majority from the EXFD to payout the sick time was to request a waiver of future employment litigation claims that the former Chief may have.

Mr. Nevinski stated that, really, Mr. Madsen is proposing a waiver, and then half the hours payout.

Mr. Madsen explained that he wrote up a motion that would be contingent upon the receipt of the waiver, as a condition precedent to issuing that check.

Boardmember Maddy added that he is struggling with the two options because former Chief Mackey was fired, but he earned the hours, so that feels like a good compromise. He added that he wants the District to move forward, and if there is a threat of litigation, he likes the idea that the Operating Committee came up with.

Ms. Vogel noted that the number of hours seems very high, and does not understand how that could be accrued.

Chair Gallagher stated that the hours keep rolling over every year. Ms. Vogel stated that means the former Chief never took any sick time.

Boardmember Maddy asked what the policy is on sick time. Interim Fire Chief noted the policy states sick time can be maxed out at 800 hours.

Ms. Luger asked how many sick days the Fire Department gets per year. Mr. Madsen stated it is possible the former Chief did not use sick time, and did not use all of his vacation time.

Mr. Broas stated the former Chief is getting paid vacation; this is exclusively accrued sick time. Mr. Madsen confirmed that is correct.

Boardmember Maddy stated it is only half the accrued sick time.

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Ms. Vogel noted that half of that would still be \$21,000, which is a lot of money.

Mr. Broas asked if there is no limit on sick time that can be accrued. Ms. Vogel noted the policy states 800 hours in total.

Mr. Madsen stated the cap is 800 hours. Ms. Vogel added that it takes a lot of time to accrue.

Chair Gallagher added that in the corporate world, you do not get that. Boardmember Maddy noted that he got laid off last year, and he got about that amount of time.

Mr. Broas stated he had never seen that amount of accrued hours before. Ms. Vogel agreed and noted she works in HR and has never seen this amount of accrual, which is really generous.

Mr. Broas stated that this would be a very clean way to separate, but \$21,000 is still a lot of money, and he is struggling with the benefit.

Chair Gallagher noted that it is not a lot of money if there is a waiver attached to it. A lawsuit will cost a lot more. She asked about the possibility of the former Chief not accepting the money with the waiver.

Ms. Vogel added that it is the former Chief's choice, and usually, there is a rescission period.

Chair Gallagher stated she feels like it is the right thing to do.

Boardmember Maddy added that he has worked with other organizations for politically appointed positions, the company will write a check for six months' salary, and get rid of an employee for no reason whatsoever.

Boardmember Jewett asked if the former Chief had received his last paycheck. Mr. Madsen noted the former Chief received payment for his hourly wage and for his vacation.

Ms. Vogel asked how much the vacation payment was for. Interim Fire Chief answered that he did not have the vacation hours, but the amount was \$25,608.

Ms. Luger noted that per the policy, the employee gets one day per month of service, so he would be eligible for 12 days per year. She added that quick math would total 96 hours per year, and the former Chief was there for seven years, which means he did not take any sick time at all, and that is why she is questioning it.

Boardmember Jewett added that this is why the former Chief would only get half.

Ms. Luger noted that means the former Chief never took any sick time the whole time he worked for the District.

Mr. Nevinski added that he very rarely takes sick time.

Mr. Madsen stated that as administrators, if they have two to three-night meetings and are in the office at 7:00 a.m., those are 13-hour days, so that could be 36 to 40 hours accrued in just three days.

Ms. Luger added that last week she did take a lot of sick time because she had a kid with a lot of dental issues, and this week she is working a lot of hours, so I guess it is possible, but the amount seemed high.

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Mr. Broas asked if the half per sick day could be reduced to 0.25 per sick day. Mr. Madsen noted that it is at the discretion of the EXFD, but the handbook says to pay it out at half, but because it is discretionary, the EXFD could do something different.

Mr. Broas stated that they could easily go down to \$10,000 plus the waiver. Mr. Madsen noted that half is in the policy, though, and is a known number. Mr. Broas added that it was just a suggestion.

Mr. Madsen added that there could be a counter request too from the former Chief, and this is just a starting point.

Mr. Broas stated that the former Chief did service this community for a long time, too. Mr. Madsen added that the former Chief had a lot of accomplishments, too.

Boardmember Maddy noted that whoever gets hired next will also be looking at how the EXFD treats their employees, too.

Jewett moved, Maddy seconded to approve the final payout of prorated salary and vacation time benefits as presented, with accrued sick time benefits to be paid as presented, subsequent to the receipt of a properly executed waiver of liability and employment released by Mr. Mackey in favor of the Excelsior Fire District. Motion passed 4/1 (Vogel).

Interim Fire Chief Basinger added that the Fire Department has a 2010 Ford Explorer that went in for an oil change and came back with \$4,000 worth of repairs needed. He noted that they would like to put it up on the auction block to see if the Department can get anything for it, but wanted to ensure the EXFD was okay with that. That vehicle was not scheduled to be replaced, so any proceeds from the sale would be rolled back into the Department's vehicle fleet.

Boardmember Maddy asked if there would be a hole in the operation without this vehicle. Interim Fire Chief Basinger stated that the vehicle was only used when people had a class in another town, and was an extra, so the Department still has other vehicles available.

Maddy moved, Jewett seconded to direct staff to sell the aforementioned vehicle. Motion passed 5/0.

9. NEXT MEETING

A. Fire Board Meeting May 27, 2026, at 18:00

Interim Fire Chief Basinger stated he would like to have part of the next meeting be open so relief can come in with their presentation if that is okay with the EXFD.

Kyle Green stated this would be to present the annual raise, and if it is moved to the next scheduled open meeting, it would be too close to August, which could cause an unfunded raise.

Interim Fire Chief Basinger stated they would notice that the meeting is open, and then move it over to the Work Session for the budget. Mr. Madsen stated he liked that idea, because other items may come up during that time, too.

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Chair Gallagher noted that the next Fire Board meeting will be on May 27, at 6:00 p.m., and will be open, and Relief will be there to discuss any items necessary.

10. ADJOURNMENT

(2:06:08) Maddy moved, Jewett seconded to adjourn the EXFD Governing Board Meeting of April 22, 2026, at 8:08 P.M. Motion passed 5/0.



EXCELSIOR FIRE DISTRICT

Proudly serving the communities of: Deephaven, Excelsior, Greenwood, Shorewood, & Tonka Bay

RESOLUTION 26-003

A RESOLUTION RESCINDING RESOLUTION #26-002

WHEREAS, the Excelsior Fire District Fire Board passed resolution #26-002 on April 8, 2026, to contract with PNC bank for the financing of the new fire engine, “Engine 21”; and

WHEREAS, it was further found that the terms and interest rates of that resolution were not as the Fire Board, Assistant Chief, and Fire Chief understood them to be; and

WHEREAS, further exploration of financing options for the new fire engine is needed.

NOW THEREFORE, BE IT RESOLVED THAT EXCELSIOR DISTRICT FIRE BOARD RESCINDS RESOLUTION 26-002 AND ANY AUTHORIZATION TO CONTRACT FOR FINANCING.

Adopted by the Excelsior Fire District on May 27, 2026.

Board Chair

Nate Basinger, Interim Fire Chief

Attest:

Secretary

		Calls Per City						
		Deephaven	Excelsior	Greenwood	Shorewood	Tonka Bay	Mutual Aid	TOTAL
Total Calls		23	30	5	29	3	2	92
Call Types	Medical	11	20	0	17	2	0	50
	False Alarm/Cxl	5	6	3	4	0	0	18
	Hazardous Situation	3	2	0	2	0	0	7
	Public Service	2	0	1	4	1	0	8
	Fire	1	0	1	2	0	2	6
	None	1	2	0	0	0	0	3

								Monthly Average		
		Deephaven	Excelsior	Greenwood	Shorewood	Tonka Bay	90th%	Median	Mean	
Times	All Call Enroute	2:54	1:50	4:29	3:29	2:03	5:20	2:27	2:44	
	All Call At Scene	9:46	4:39	9:35	6:09	4:23	10:43	6:09	6:46	
	Duty Crew Enroute	2:27	1:53	2:34	2:00	None	3:33	1:59	2:08	
	Duty Crew At Scene	8:12	7:11	9:05	5:33	None	11:09	6:59	7:08	

Legend

Times

Excludes DO calls, DO times, routine calls

90th% = "guaranteed" time

Median = doesn't factor in "outliers"

Mean = true average of every call

Call Types

Medical: any medical-related call, excluding lift assists

False Alarm/Cxl: No incident found or FD not needed

Hazardous Situation: power lines, gas odors/leaks, motor vehicle accidents

Public Service: lift assists, assisting PD

Fire: smoke calls, structure fire, vehicle fire, grass fire, etc.

None: Utility work, test, misc. notification

Excelsior Fire District
Administrative Report
APRIL 2026

MONTH	CALL INFORMATION								CALL/CITY						BUDGET INFORMATION						AVERAGES			
	CALL TOTAL	# MEDICALS	# FALSE ALARM/CXL	# HAZARDOUS	# FIRE	# PUBLIC SERVICE	# NONE	# RESCUES	DPN	EXC	GRN	SHD	TB	MA	FF CALL HOURS	FF CALL \$ (\$22/HR)	TRAIN HOURS	FF TRAINING \$ (\$22/HR)	DUTY CREW \$	OVERNIGHT DC \$	WEEKEND OVERNIGHT DC \$	ENROUTE	ONSCENE	FFs PER CALL
January	98	67	22	6		2	1		11	29	4	47	5	1	472	10,384.00	248	5,456.00	16,188.00	7,725.71	4,800.00	2.01	4.09	7.18
February	77	40	25	6	2	2	2		16	15	2	35	8	1	327	7,194.00	324	7,128.00	13,813.50	7,040.00	3,600.00	1.87	4.23	6.39
March	112	61	23	16	4	5	2	1	26	29	5	45	4	3	528	11,616.00	206	4,532.00	15,198.00	8,000.00	4,000.00	1.81	4.81	6.63
April	92	50	18	7	6	8	3		23	30	5	29	3	2	488	10,736.00	538	11,836.00	15,069.00	7,520.00	3,700.00	2.44	6.46	10.4
May															0.00		0.00							
June															0.00		0.00							
July															0.00		0.00							
August															0.00		0.00							
September															0.00		0.00							
October															0.00		0.00							
November															0.00		0.00							
December															0.00		0.00							
TOTALS	379	218	88	35	12	17	8	1	76	103	16	156	20	7	1,815	39,930.00	1,316	28,952.00	60,268.50	30,285.71	16,100.00	2.03	4.70	7.65
APRIL 2025 TOTALS	97	74	7		23				15	30	6	35	11	0	715	14,300.00	715	14,300.00	15,799.00	9,040.00	4,000.00	1.91	4.04	8.19
2025 YTD TOTALS	400	310	32		81				71	123	28	144	28	6	2611	52,220.00	2175	43,505.00	56,850.00	32,800.00	16,700.00	2	4.25	7.62

Rochelle Johnson:
En Route and OnScene Times do not include Duty Officer Times

Call Types

Medical: any medical-related call, excluding lift assists
False Alarm/Cxl: No incident found or FD not n
Hazardous Situation: power lines, gas odors/leaks, motor vehicle accidents
Public Service: lift assists, assisting PD
Fire: smoke calls, structure fire, vehicle fire, grass fire, etc.
None: Utility work, test, misc. notification

Payroll YTD:

FF Call \$ 39,930.00
 Training Hrs \$ 28,952.00
 Officer Stipend Pay YTD \$ 7,918.34
 DO Pay YTD \$ 7,492.83
 Special Pay YTD \$ 5,137.00
 Weekend Overnight DC YTD \$ 16,100.00
 Overnight DC YTD \$ 30,285.71

last Month Payroll total: \$ 49,022.79
 Monthly Payroll Total \$ 52,882.41
YTD Payroll \$ 196,084.38

Payroll Monthly:

Officer monthly Stipend \$ 1,833.47
 DO Monthly Pay \$ 1,670.94
 Special Pay Monthly \$ 517.00
 ESST \$ -
\$ 4,021.41

**EXCELSIOR FIRE DISTRICT
2026 Operating Budget -DRAFT
4/30/2026**

Account Code	Account Code	Item	2023 Budget	2023 Actual	2024 Budget	2024 Actual	2025 Budget	2026 Budget	2026 Monthly	2026 YTD	% of Budget	YTD Variance Over (Under)
Personal Services	Personal Services											
230-42200-101	230-42200-101	Employees Regular	254636.00	250592.00	343617.80	301,315.00	521,986	641,549	94,024.23	227,994.82	35.5%	-413,554
230-42200-103	230-42200-103	Part-Time Employees	18624.00	19441.00	32596.20	31,816.00	34,221	35,927	0.00	2,559.80	7.1%	-33,367
230-42200-106	230-42200-106	Firefighter's Salaries	502321.00	595612.00	581610.60	733,221.00	689,650	713,688	48,888.26	240,691.40	33.7%	-472,997
230-42200-121	230-42200-121	PEFA	40628.00	39284.00	54438.15	48,148.00	80,032	104,547	15,757.44	34,933.89	33.4%	-69,613
230-42200-122	230-42200-122	FICA/MC	50804.00	72152.00	55874.41	64,076.00	73,175	71,169	5,592.83	23,548.35	33.1%	-47,620
230-42200-129	230-42200-129	State Fire Aid										
230-42200-131	230-42200-131	Health & Dental Insurance	46930.00	37657.00	55975.00	44,907.00	82,461	114,895	6,350.15	34,123.97	29.7%	-80,771
230-42200-133	230-42200-133	Life Insurance	748.00	452.00	892.00	278.00	1,115	1,115	0.00	9.69	0.9%	-1,105
230-42200-151	230-42200-151	Worker's Comp	40765.00	40751.00	47099.36	32,518.00	47,099	47,099	0.00	58,362.00	123.9%	11,263
		Total Personal Services	955,456	1,055,941	1,172,104	1,256,279	1,529,738	1,729,988	170,613	622,224	36.0%	-1,107,764
Pension	Pension											
230-42200-170	230-42200-170	Fire Pension Contribution	214961.00	214961.00	220000.00	244,137.00	231,000	268,550			0.0%	-268,550
		Total Pension Contribution	214,961	214,961	220,000	244,137.00	231,000	268,550	0	0	0.0%	-268,550
Supplies	Supplies											
230-42200-200	230-42200-200	Office Supplies	2800.00	1482.00	3000.00	2,974.00	3,000.00	3,000	185.32	230.31	7.7%	-2,770
230-42200-212	230-42200-212	Motor Fuels	18000.00	20400.00	25000.00	20,533.00	25,000.00	20,000	315.75	4,223.18	21.1%	-15,777
230-42200-217	230-42200-217	Clothing	42121.00	56720.00	45971.00	43,576.00	45,971.00	44,570	786.00	22,700.57	50.9%	-21,869
230-42200-220	230-42200-220	Repair/Maint. Supplies	10000.00	11227.00	11200.00	9,120.00	15,000.00	12,250	1,912.40	4,129.99	33.7%	-8,120
230-42200-221	230-42200-221	First Aid Supplies	5200.00	5300.00	6000.00	8,535.00	6,000.00	6,000	399.14	848.72	14.1%	-5,151
230-42200-222	230-42200-222	Firefighting Supplies	11000.00	6886.00	13000.00	8,516.00	22,600.00	12,910	0.00	171.54	1.3%	-12,738
230-42200-241	230-42200-241	Fire Prevention Tools	5800.00	6003.00	7000.00	6,463.00	7,000.00	7,000	0.00	75.00	1.1%	-6,925
		Total Supplies	94921.00	108018.00	111171.00	99,717.00	124,571	105,730	3,599	32,379	30.6%	-73,351
Professional Services	Professional Services											
230-42200-304	230-42200-304	Legal	5000.00	870.00	6000.00		6,000.00	3,000	7,444.30	8,415.55	280.5%	5,416
230-42200-307	230-42200-307	Fiscal Mgmt Fees	5556.00	6191.00	8060.00	5,537.00	7,400.00	7,400	322.05	1,383.93	18.7%	-6,016
230-42200-311	230-42200-311	Auditing	16100.00	16100.00	18860.00	15,425.00	18,860.00	18,860	4,425.00	12,685.00	67.3%	-6,175
230-42200-312	230-42200-312	Refuse & Recycling	2260.00	2751.00	3000.00	3,537.00	3,600.00	3,600	0.00	1,207.86	33.6%	-2,392
230-42200-313	230-42200-313	Janitorial Services	5000.00	3507.00	3000.00	1,993.00	5,000.00	3,000	0.00	825.66	27.5%	-2,174
230-42200-318	230-42200-318	Medical Fees	13000.00	10890.00	13000.00	11,292.00	13,000.00	12,000	57.00	362.00	3.0%	-11,638
230-42200-319	230-42200-319	Other Prof. Services	31000.00	14356.00	34300.00	14,623.00	17,800.00	14,800	2,077.16	5,756.34	38.9%	-5,044
		Total Prof. Services	77916.00	54665.00	86220.00	52,407.00	71,660	62,660	14,326	30,636	48.9%	-32,024
Other Services and Charge	Other Services and Charge											
230-42200-321	230-42200-321	Telephone	24100.00	23574.00	25450.00	15,779.00	25,450.00	18,500	1,475.27	5,791.32	31.3%	-12,709
230-42200-322	230-42200-322	Postage	600.00	326.00	600.00	621.00	600.00	600	106.31	267.53	44.6%	-332
230-42200-323	230-42200-323	Radio Units	39000.00	40234.00	42650.00	35,369.00	42,650.00	42,650	2,318.82	7,415.66	17.4%	-35,234
		Recruitment/Retention		2128.00	25000.00	33,266.00	25,000.00	25,000	4,543.40	7,647.70	30.6%	-17,352
230-42200-331	230-42200-331	Conferences	7780.00	15520.00	15250.00	19,776.00	20,250.00	16,250	1,479.52	2,413.80	14.9%	-13,836
230-42200-332	230-42200-332	Mileage	100.00	556.00	1500.00	872.00	1,500.00	1,000	0.00	103.60	10.4%	-896
230-42200-333	230-42200-333	Meal Expenses	5500.00	1874.00	5500.00	4,799.00	5,500.00	4,000	101.51	340.19	8.5%	-3,660
230-42200-334	230-42200-334	Training & Schools	27200.00	6833.00	28500.00	11,267.00	28,500.00	28,500	2,741.01	1,246.72	4.4%	-27,253
230-42200-350	230-42200-350	Printing & Publishing	1000.00	1334.00	1400.00	345.00	1,700.00	1,475	68.13	158.14	10.7%	-1,317
230-42200-360	230-42200-360	Insurance	20000.00	25695.00	28300.00	24,326.00	35,000.00	35,000	0.00	49,551.00	141.6%	14,551
230-42200-381	230-42200-381	Electric Utilities	37000.00	36645.00	40000.00	29,893.00	40,000.00	35,000	1,844.32	6,493.05	18.6%	-28,507
230-42200-383	230-42200-383	Gas Utilities	15000.00	16973.00	21000.00	16,398.00	21,000.00	19,000	1,653.45	8,100.68	42.6%	-10,899
230-42200-386	230-42200-386	Other Utilities	2100.00	2721.00	2310.00	2,655.00	2,500.00	3,000	1,130.80	1,324.80	44.2%	-1,675
230-42200-401	230-42200-401	Contracted Repairs	22700.00	22475.00	28100.00	38,912.00	28,100.00	30,800	7,562.64	8,959.90	29.1%	-21,840
230-42200-404	230-42200-404	Machinery/Equipment	43035.00	46295.00	49255.00	63,330.00	52,255.00	52,255	4,869.15	7,976.77	15.3%	-44,278
230-42200-405	230-42200-405	Other Maintenance	20550.00	8012.00	24050.00	16,955.00	25,050.00	20,325		275.00	1.4%	-20,050
230-42200-430	230-42200-430	Misc Expenses	1226.00	1604.00	1226.00	2,033.00	1,726.00	750	16,763.10	26,726.68	356.6%	25,977
230-42200-433	230-42200-433	Dues and Subscriptions	15780.00	19696.00	16005.00	19,502.00	21,705.00	34,210	11,336.88	19,848.88	58.0%	-14,361
		Total Other Services	282671.00	272505.00	356096.00	338,098.00	378,486	368,315	57,994	154,641	42.0%	-213,674
		Total Operating Budget	1625925.00	1706900.00	1945590.52	1,988,638.00	2,335,455	2,635,243	246,531	839,881	33.1%	-1,695,362
Capital Outlay	Capital Outlay											
230-42200-560	230-42200-720	CIP Tranfer	250000.00	250000.00	285000.00	285000.00	225,000.00	450,605	9,765.09	318,415.18	70.7%	-132,190
230-42200-720	230-42200-560	Building Fund Transfer	29000.00	29000.00	24000.00	24000.00	30,000.00	30,000	0.00	0.00	0.0%	-30,000
230-42200-720	230-42200-720	Facilities Transfer	274477.00	274477.00	0.00	0.00	0.00	0.00				0
		Total Capital Outlay	553477.00	553477.00	309000.00	309000.00	255,000.00	480,605	9,765	318,415	66.3%	-162,190
Total Fund 230	Total Fund 230	Fire Operating Expenses	2179402.00	2259567.00	2254590.52	2297638.00	2,590,455	3,015,848	256,296	1,158,296	38.4%	-1,857,552
Operating Revenues	Operating Revenues											
230-33400	230-33400	State Fire Aid	214,961	214,961	220,000	244,137.00	231,000	268,550			0.0%	-268,550
230-34202	230-34202	Municipal Fire Contracts	2,054,000	2,054,000	2,054,000	2,054,000.00	2,304,733.00	2,725,948	0.00	1,226,816.11	45.0%	-1,499,132
230-36210	230-36210	Interest Earnings	1,100	4,014	1,100	6,221.00	1,100.00	1,100	524.58	2,168.17	197.1%	1,068
230-36228	230-36228	Refunds & Reimbursements	5,000	20,267	5,000	17,002.00	5,000.00	5,000	6,746.03	23,292.53	465.9%	18,293
230-36230	230-36230	Donations	2,000	7,705	2,000	4,755.00	2,500.00	2,500	0.00	0.00	0.0%	-2,500
230-36230	230-36230	Shared Services Income	0	0	0	0.00	0.00	0.00				0
230-39203	230-39203	Special Event Permits	5,000	12,750	10,000	11,340.00	12,750.00	12,750	240.00	320.00	2.5%	-12,430
230-39203	230-39203	Transfers	0	0	0	0.00	0.00	0.00				0
		Total Operating Revenues	2,282,061	2,313,697	2,292,100	2,337,455.00	2,557,083	3,015,848	7,511	1,252,597	41.5%	-1,763,251
		Balance	102,659				-33,372	0	-248,786	94,301	#DIV/0!	0
		Balance January 1st	303,296					303,296		323,919		
		Balance December 31st	323,919					303,296 </				



Excelsior Fire District

Proudly serving the Communities of
Deephaven • Excelsior • Greenwood • Shorewood • Tonka Bay

24100 Smithtown Road, Shorewood, MN 55331

Fire Operating Committee Meeting **April 15, 2026 at 9:00 AM**

CALL TO ORDER & ATTENDANCE

Operating Committee Chair Kristi Luger called the meeting to order at 9:06.

Members Present: Kristi Luger (Excelsior City Manager), and Marc Nevinski (Shorewood City Administrator), Max Peters (Tonka Bay City Administrator), Tom Fletcher (Greenwood Mayor in the capacity of City Administrator), Dan Madsen (Deephaven City Administrator)

Staff Members Present: Chief 1 Nate Basinger

1. Approval of Agenda

Motion by Madsen Second by Luger to approve and amended Agenda with the following additions: Discussion of upcoming projects and initiatives; Letter from Jennifer Gallagher to members; Fire boat slip; July 4 fireworks reimbursement of EFD; Discussion of Chief process – Motion passed

2. Minutes

Motion by Madsen, Second by Luger to approve the March 18, 2026 meeting minutes amended to show Fletcher as present at meeting – Motion passed

3. Bills

Motion by Fletcher, Second by Nevinski to approve the March 2026 bills – Motion Passed

4. Budget Updates

Chief 1 Basinger indicated that there had been no changes to the draft budget after the Board Worksession. There was discussion of the Kraus Anderson building capital needs study. He indicated that there was a need to coordinate between EFD and South Lake Police on the joint priorities including a possible joint meeting or worksession including both Boards.

5. Administration

No major calls in March with a total of 104 calls. Enroute and on scene times are staying about the same. With new system the hope is to have more detailed and better data going forward.

6. Board Meeting

- a. Next Fire Board meeting April 22, 2026 18:00 EOC Station 1
- b. Major "All Call": None
- c. Engine 21 financing options. Peters and Fletcher will assist Basinger with reviewing finance options.

7. Admin Updates

- a. Leadership Development & Succession Planning - Nothing
- b. Personnel & Staffing 41 firefighters and 2 battalion chiefs now with the Battalion Chiefs really helping with duty crew coverage. Troy is getting into emergency management. Expect 2 to 3 retirements in 2026 with all of them being drivers, which is where we are short. Outside interest of experienced firefighters that are drivers in joining the departments has waned. When get down into 30s have strained to fill shifts. We are not too far away from having trouble getting shifts covered.
- c. E21 repairs – Engine is in shop still.
- d. HOA repairs – LMC denied HOA claim. HOA asked EFD for reimbursement. Attorney Dorothy has communicated that reimbursing HOA would not set a precedent. Overall project cost is about \$4,400 based on HOA bid. Will be presented to Board Meeting as a good will payment if Board approves.
- e. Chiller update. The electric wiring change order is now \$14,000 rather than previous \$25,000. After discussion with SLMPD there will be a discussion with the Board next week.

8. Other Items

- a. Fire boat slip. While EFD greatly appreciates the Tonka Bay slip that is provided free to the EFD, it does take time to get to main lake and doesn't have shore power. With electronics turned off there is still a parasitic draw on the boat's batteries and they get drawn down without shore power. The EFD is investigating other options.
- b. July 4 fireworks EFD cost reimbursement. The Rotary will be at the Board meeting regarding the July 4 fireworks. They are requesting no cost to the Rotary public safety coverage for the event.
- c. Basinger and Luger will work with Board Chair Gallagher on any communication that she may send to firefighters.
- d. Madsen moved to recommend the Board appoint Basinger as Interim Chief with retroactive pay to April 8, 2026 with pay recommendation to be provided by Operating Committee for Board consideration at May Board meeting. Second by Peters. Passed unanimously. Further that the Operating Committee present to the Board a recommendation for third party organizational consultant and robust search using outside entity that includes firefighters in the process will be provided by the Operating Committee at the May Board meeting. Second by Peters. Passed unanimously.
- e. Madsen made a motion that the Operating Committee recommend that the Board approve payment of former Chief's prorated salary prior to termination and his accrued vacation time. The Operating Committee further recommends that the

discretionary payment of accrued sick time also be paid contingent on release for any and all employment related claims by the former Chief. Second by Luger.
Passed unanimously.

- f. Upcoming Projects and Initiatives. Reviewed to do lists with recent events in the Department.

9. Adjournment

- a. Motion by Nevinski, Second by Luger to adjourn at 2:00 PM – Motion Passed

Next meeting Wednesday, May 20, 2026. 9:00 AM Fire Station 1 Conference Room

Minutes prepared by Tom Fletcher, City of Greenwood



EXCELSIOR FIRE DISTRICT

Proudly serving the communities of: Deephaven, Excelsior, Greenwood, Shorewood, & Tonka Bay

MINUTES

Special Operating Committee Meeting
Excelsior Fire Station One Conference Room
April 28, 2026
10:00 PM-12:00 PM

Members Present: Kristi Luger (Excelsior City Manager), and Marc Nevinski (Shorewood City Administrator), Max Peters (Tonka Bay City Administrator), Tom Fletcher (Greenwood Mayor in the capacity of City Administrator); Dan Madsen (Deephaven City Administrator); Assistant Fire Chief Nate Basinger

1. Approval of Agenda

Motion: Nevinski/Peters, Passed

- Following an update from the EFD attorney, the operating committee advised the Interim Chief to contact LMCIT regarding the threatened pending litigation matter, which was first discussed on April 8, 2026, by the EFD Board in a closed session.
- The OC discussed recent media coverage following the termination of the Fire Chief and the impacts to EFD staff.
- It was noted that misappropriation of funds can be reported to OSA by anyone.

2. Follow-up from April 15 meeting

- The Interim Chief posed a question regarding a staffing matter and the OC provided feedback.
- Chief Search Process: The OC discussed the search process for a new chief, including potential steps to be taken prior to the search, timing of the search and options.

3. Next Meeting Dates and Times

- a. Wednesday May 6, 1:00 PM Fire Station 1 Conference Room
- b. Wednesday, May 20, 2026, 9:00 AM Fire Station 1 Conference Room

Adjourned at 12:00 PM

Motion: Peters/Madsen, Passed

Submitted by Marc Nevinski, Shorewood



EXCELSIOR FIRE DISTRICT

Proudly serving the communities of: Deephaven, Excelsior, Greenwood, Shorewood, & Tonka Bay

MINUTES

Special Operating Committee Meeting
Excelsior Fire Station One Conference Room
May 6, 2026
1:00 PM-3:00 PM

Members Present: Kristi Luger (Excelsior City Manager), and Marc Nevinski (Shorewood City Administrator), Max Peters (Tonka Bay City Administrator), Tom Fletcher (Greenwood Mayor in the capacity of City Administrator); Dan Madsen (Deephaven City Administrator); Assistant Fire Chief Nate Basinger

1. Approval of Agenda Motion: Fletcher/Nevinski, Passed

2. Follow-up from April 28, 2026 meeting
 - Threatened Litigation – LMC assigned an attorney who is communicating Interim Chief.
 - The OC discussed a process for the Board to see EFD mission statement that firefighters developed. Members of the committee developing the statement attend that Board meeting.
 - The OC discussed protocol for communicating with the Board and OC during incidents.
 - The application of the open meeting law to the OC meetings was discussed.
 - Policy Review: A process was discussed for updating policies and involving the Board in an appropriate and meaningful way.
 - Chief Search Process: The OC discussed identification of department needs or gaps, particularly administratively, and possible options to address as the first step. The Interim Chief will develop possible scenarios.

3. Next Meeting Dates and Times
 - a. Wednesday, May 20, 2026, 9:00 AM Fire Station Conference Room

Adjourned at 3:10 PM

Motion: Madsen / Peters, Passed

Submitted by Marc Nevinski, Shorewood

Memo

May 20, 2026

TO: Excelsior Fire District Board

FROM: Excelsior Fire District Operating Committee

RE: Interim Chief Nate Basinger Salary

The Operating Committee unanimously recommends an annual salary of \$140,526 for Interim Chief Nate Basinger retroactive to the start of his service as Interim Chief on April 8, 2026. This is the same salary as former Chief Curt Mackey. The Operating Committee's opinion is that the same salary for Interim Chief Basinger as the former Chief is well justified. Interim Chief Basinger is serving the Fire District very well. He has stepped into the dual Chief and Assistant Chief roles with no advanced notice or turnover during a difficult period for the Fire District. His excellent service is a reflection of his dedication to the Excelsior Fire District.

The recommended salary increase will not have a negative budget impact since the District is currently paying the salary and benefits for an interim Chief instead of both a Chief and Assistant Chief.

Memo prepared on behalf of the Operating Committee by Committee member Tom Fletcher

Memo



To: EXFD Fire Board
From: Interim Fire Chief Basinger
cc: Operating Committee
Date: 05/13/2026
Re: Policy Review

History

At the January 28, 2026 Fire Board meeting, the Board approved the Fire District moving policies and procedures to the Lexipol platform. This move not only simplifies the process for issuing and maintaining policies for department members but also helps to ensure that the District remains current with state and federal laws, as well as best practices.

The Lexipol platform requires members to acknowledge issued policies as a means of accountability. With approximately 150 policies, a cadence of issuing 4-6 policies every 1-2 weeks makes this initial transition manageable for members and efficient for administration.

Current Status and Proposed Actions

As we have begun the transition to the Lexipol platform, there are number of policies provided by Lexipol that we are planning to issue, either as new policies, or as updates/changes to existing policies. For policies that are strictly operational (e.g. fire and EMS response), we do not feel that Board review is necessary. For policies regarding personnel (e.g. discipline, employee conduct, finance-related, etc.), we feel that having the Board review and approve policies that differ from, or are in addition to, current policies would be beneficial.

I recommend that we categorize policies in one of the following three categories:

1. Existing policies with no changes.
2. Existing policies with changes or modifications.
3. New policies.

As we move forward, for non-operational policies, I would like to send new and changing policies to the Board for review and approval. I will include references to the existing policies that are being updated or replaced with a memo outlining the points of change.

In an effort to comply with open meeting laws, I recommend that I send a batch of policies to the board for review a month prior to scheduled board meetings. Board members should review and provide individual feedback back to me, and I will make revisions as appropriate so the policies are ready for Board approval at the next upcoming Board meeting.

I think you will find that the majority of these policies will require very little review and revisions as many are state and federal statutes, or best practices. As such, I'd like to start with around ten policies per month.

Recommendation

The Interim Fire Chief will send approximately 10 policies per month, as outlined above, for the Fire Board to review and provide feedback on prior to the next Board meeting, at which time those policies will be up for final discussion and approval for issuance. The number of policies and cadence of review can be changed as we move forward.

Memo



To: EXFD Fire Board
From: Interim Fire Chief Basinger
cc: Operating Committee
Date: 05/21/2026
Re: Executive Fire Officer Program

Background

In January of 2026, I was accepted into the Executive Fire Officer (EFO) program through the National Fire Academy. The EFO is a two-year program consisting of both self-study and on-campus elements. The EFO is akin to a master's degree program, but designed specifically for fire chiefs. The Capstone Applied Project (thesis paper) worked on throughout the program incorporates complex problem identification and exploration, research, data, and the ability to author solutions to multifaceted problems *specific* to the individual's organization.

An overview of the program is attached for your reference.

During the two-year program, there are four on-campus sessions at the National Fire Academy campus in Emmitsburg, Maryland. The first session is ten days long and the remaining three are five days long each. The session dates are assigned by the NFA.

Shortly after acceptance into the program, the NFA was part of the federal government shutdown. They have recently re-opened and have assigned the dates for my first in-person session, which are July 20-31, with a travel day on either end.

The tuition for the entire program is covered by the NFA, as is the lodging and travel for the on-campus sessions. The only out-of-pocket costs for students are the meals during the on-campus sessions. Students are required to purchase meal tickets for their on-campus sessions, which are priced below the current standard per diem rate, and include all meals while the students are on campus, including dinner on the arrival day and breakfast on the departure day.

Recommendation

- 1) That the time I am away at the on-campus sessions for the EFO program be considered part of my salaried time and that the use vacation time will not be needed, and
- 2) That the District cover the cost of the meals during the on-campus visits and during the travel to and from the campus, not to exceed the current standard per diem rate of \$68 per day, totaling approximately \$2,380 for 35 days of travel and classes over the next two years.

Attached: EFO Overview

Executive Fire Officer Program Overview

Executive Fire Officer Program ideal candidate

Experience:

The ideal candidate should be a newly appointed department chief-level officer, or a senior/executive-level officer, selected by their department or organization. The candidate will have demonstrated progressive leadership roles and experience in various operational and administrative aspects of emergency services.

Leadership:

All applicants must exhibit strong leadership qualities, including the ability to inspire and motivate others, make informed decisions, and effectively manage personnel and resources. The ideal candidate should possess excellent communication and interpersonal skills to interact with diverse stakeholders and collaborate in a team-oriented environment.

Education and professional development:

All applicants must possess a baccalaureate degree from a nationally or regionally accredited institution recognized by the U.S. Department of Education. The ideal candidate has or is planning to further their formal education and can demonstrate a commitment to ongoing professional development and lifelong learning.

Community engagement:

The ideal candidate is an active member of a nationally recognized fire and emergency medical services (EMS) organization. They should demonstrate engagement with local community organizations in order to apply the principles of strategic community risk reduction to foster a safe, healthy and resilient community.

Professional ethics and integrity:

All applicants shall model and uphold high ethical standards and demonstrate integrity, professionalism and a commitment to ethical conduct.

Program mission, vision, values and beliefs

The EFO Program is the pinnacle of the USFA's commitment to support the needs of fire and EMS agencies in preparing executive officers to meet the ever-changing demands of the dynamic communities in which they serve. Consequently, the USFA is focused on supplementing, not duplicating, existing programs of training, technology and research, data collection and analysis, and public education.

Executive Fire Officer Program mission statement

To create an environment and opportunities that foster individual growth, development and an appreciation for lifelong learning as a strategic community leader.

Executive Fire Officer Program vision statement

Executive officers providing bold, thoughtful and innovative solutions to create safe, healthy, prepared and resilient communities.

Values and beliefs of the Executive Fire Officer Program

- Self-awareness through reflection
- Lifelong learning
- Integration of fire and EMS organizations into the whole community
- Development of sustainable partnerships beyond geographic and political boundaries
- Fosters an attitude of organizational and community resilience
- Recognition of the leadership role in the development of a vibrant and safe community

Program outcomes

The EFO Program is structured to empower executive officers to develop, maintain and expand the following proficiencies throughout their careers:

- Demonstrate social responsibility within self, organization and community.
- Enhance personal and organizational ethics, integrity, accountability and performance to secure public trust.
- Apply effective communication skills and information technologies to express vision, strategy, policy, resource and incident-related determinations.
- Strategically plan to foster a safe, healthy, prepared and resilient community.
- Prioritize personal and organizational growth through the pursuit and creation of education, mentorship and other learning opportunities.
- Exercise leadership to meet the technical and adaptive challenges within the organization and community.
- Employ political/strategic foresight and research-based analytical skills to propose, influence, adopt, implement and evaluate public policy.

Commitment to the Executive Fire Officer Program

You and your department's engagement in the EFO Program over the next 2 (or no more than 4) years is a significant commitment. You will take part in learning opportunities presented in a variety of formats to include self-study and in-residence elements.

For the on-campus sessions, you will be provided lodging and a travel stipend. You will be responsible for purchasing a meal ticket. You should anticipate the residential experiences to be full days, with possible weekend activities or requirements.

By applying to the EFO Program, you are acknowledging your understanding and willingness to meet the time commitments required within the program.

Executive Fire Officer Program Curriculum/Design

The NFA is the instructional entity within the USFA, and as such, is focused on the supplementation, rather than duplication, of existing programs of education and training for career and volunteer fire and EMS personnel throughout the nation. Through the EFO Program, the NFA seeks to inspire, educate and empower current and future fire service leaders and create public service champions within communities.

Self: The first component is a resident course that focuses on self. This component provides learning and practice opportunities that foster the exploration of personal leadership philosophy, life-work balance, theoretical aspects of leadership, and the value of ethics and integrity. This course introduces research practices and communication skills amidst leadership challenges.

Organization: The second component of the EFO Program focuses on the organization. It is comprised of substantial self-paced, online pre-course work to provide students with theoretical, academic and foundational elements that are applied during a resident course focused on building organizational strength. This course will apply analysis and adaptive leadership components that result in building an internal culture that promotes a safer, healthier, more prepared and resilient organization. Students collect, evaluate and demonstrate the use of organizational data and research in their pursuit to achieve a diverse, resilient and safe organization.

Community: The third component of the EFO Program transitions the foundational elements previously addressed for the organization to focus on the community. This component is comprised of substantial self-paced, online pre-course work to provide students with theoretical, academic and foundational elements that are then applied during a resident course. The resident experience underscores the exercise of executive-level leadership in the context of the whole community, and the strategic role of the executive officer within both emergent and prospective events is considered. The central focus is relational interoperability between the many facets required to determine, evaluate and meet the needs of the community.

Capstone: The culminating portion of the EFO Program is comprised of independent research and public presentation to demonstrate bold and imaginative solutions to critical issues cultivated by the executive throughout the program. Students integrate, synthesize and apply the knowledge, skills and perspectives acquired throughout the EFO Program and demonstrate mastery of all program elements during a research component with an assigned advisor and a resident course. The following capstone projects are graded assignments:

- A **Capstone Applied Project (CAP)** is the culmination of theory and application where the executive displays both the vision and competencies highlighted throughout the EFO Program. The paper incorporates complex problem identification and exploration, research, data, and the ability to author solutions to multifaceted problems while presenting the information in a convincing, logical and academically sound format. Details can be found in Appendix A: Executive Fire Officer Program Capstone Research Guidelines.
- A **presentation** in the final resident course mirrors a real-life event, such as a town hall, council meeting or catastrophic event. This essential experience is designed to provide a complex and dynamic environment with both peer and expert feedback that uniquely informs each student's professional and personal insight.

Further details about the CAP can be found in Appendix A.



EXCELSIOR FIRE DISTRICT BOARD MEETING
6:00 P.M. WEDNESDAY, MAY 27, 2026
JOINT POWERS AGREEMENT AMENDMENT MEMORANDUM

Friday, May 22, 2026

Members of the Excelsior Fire District Board:

The events over the past year have highlighted the need to review and revise the Excelsior Fire District Joint Powers Agreement (hereinafter “JPA”), last updated as amended in 2011. I believe our cities are aligned that the current JPA needs modernization, and the attached is the City of Deephaven’s earnest effort to provide leadership and direction in that process. These amendments are presented for discussion and review by the Fire Board. It is not our intent to call for action on this item at our meeting on Wednesday; more so, it is our intention to provide these changes for presentation, consideration and review, to be discussed and available for formal action at a future meeting. Ideally, board members will bring the draft Amendment to their City Councils for discussion and provide feedback at the next board meeting.

We have learned a lot about the operation and leadership at the Fire Department over the past several months and have gained valuable insight into support that is needed from the Board for the successful operation of the Fire District. We have heard from our leadership team, as well as our rank-and-file firefighters, that additional support and resources are necessary to continue the levels of service they provide to our communities. Additionally, we have seen through our own operations and actions as a Board that we are deficient in some areas of guidance and support that contributed to the challenges we have navigated this past year. As a result, the City of Deephaven is presenting amendments to the JPA that address these stated and observed areas for improvement by providing a review process for the Fire Chief, providing an onboarding process for the education of new Fire Board Members, establishing an Ethics and Conflict of Interest Policy applicable to Board Members, formally establishing the provision of Human Resources support, equitably amending the allocation of Fire Board votes, placing limitations on the voting ability of Alternate Board Members, formally establishing the provision of a Fiscal Agent for financial and audit support, and amending the process for withdraw, including the notice period, continuing obligations during the notice period and equitably amending the winddown process.

Thank you for your time in review of our recommended amendments to the JPA. I look forward to presenting this matter next Wednesday evening and appreciate the timely process of discussion and review. It is important that we work diligently on this matter to actively support our Firefighters, Fire Department Leadership and the residents of our respective communities.

Sincerely,

Tony Jewett

Tony Jewett
Deephaven City Council
Vice Chair, Excelsior Fire District Board

**AMENDMENT TO THE EXCELSIOR FIRE DISTRICT
JOINT POWERS AGREEMENT**

THIS AMENDMENT TO THE EXCELSIOR FIRE DISTRICT JOINT POWERS AGREEMENT is entered into on _____, by and between the Cities of Deephaven, Excelsior, Greenwood, Shorewood, and Tonka Bay, all of which are municipal corporations of the State of Minnesota (collectively, the “Member Cities”).

WHEREAS, the Member Cities executed the Excelsior Fire District Joint Powers Agreement (the “Agreement”) on November 16, 2011;

WHEREAS, the Member Cities desire to change and amend the terms of the Agreement;

WHEREAS, the original joint powers agreement stated all amendments shall be in writing;

NOW, THEREFORE, IT IS HEREBY AND HEREIN MUTUALLY AGREED, in consideration of each party’s promises and considerations herein set forth, as follows:

1. Section 2.2(a) of the Agreement is hereby deleted in its entirety and replaced with the following:

“a) Voting Members: Voting Members shall include one (1) elected official of the city council of each Member City, with votes cast by the Voting Members from Deephaven and Shorewood counting as two (2) votes. All votes cast by the Voting Members from Excelsior, Greenwood and Tonka Bay shall count as one (1) vote. No employee of the District or any police department serving any of the Member Cities may serve on the Board as a Voting Member.

If any Member City/Cities are hereafter consolidated into a new municipal corporation, the corporation will have one (1) Voting Member representative.”

2. Section 2.2(c) of the Agreement is hereby deleted in its entirety and replaced with the following:

“c) Alternate Members: The city council of each Member City shall name one (1) elected official of its city council to serve as an Alternate Member in case of absence of the Voting or Ex-Officio Member. The Alternate Member shall have the authority to vote in place of (but not in addition to) the Voting Member at one (1) meeting in any calendar year. The Alternate Member shall not participate as a Board Member except in the absence of the council member or the Ex-Officio Member.”

3. Section 2.7 of the Agreement is hereby deleted in its entirety and replaced with the following:

“2.7 **Operating Committee.** The Ex-Officio Members shall comprise the Operating Committee. The Operating Committee shall meet with the Fire Chief/District Administrator on a monthly basis and report to the Board at each regular meeting.

The Operating Committee shall perform an annual review of the Fire Chief and shall have the authority to approve expenses consistent with the yearly operating budget for District services and a capital improvement program/finance plan adopted by the Board pursuant to Section 3.1(i) budgeted expenditures during monthly meetings. Non-budgeted expenditures must be approved by the Board. A list of bills shall be provided to each member of the Operating Committee on a monthly basis.”

4. Section 2.9 of the Agreement is hereby deleted in its entirety and replaced with the following:

“2.9 **Fiscal Agent.** “Fiscal Agent” shall mean the entity designated by the Board to receive, hold, disburse, account for, and otherwise manage the District’s funds and financial transactions. The City of Excelsior shall act as the initial Fiscal Agent for the District. The Fiscal Agent shall be compensated by the District at a rate mutually agreed upon by the Fiscal Agent and the Board. The Board may change the Fiscal Agent as it deems necessary from time to time, but must at all times have a fiscal designated agent. The District shall indemnify and hold the Fiscal Agent harmless from any claims, causes of action, or liability arising out of actions it takes in performing duties under this section except for claims, causes of action or liability arising out of the negligent or intentional acts of the fiscal agent in performing its duties under this paragraph.”

5. Section 3.1(i) of the Agreement is hereby deleted in its entirety and replaced with the following:

“i) To establish a yearly operating budget for District services and a capital improvement program/finance plan (including an equipment replacement schedule) of not less than ten years' duration, which shall require approval consistent with the terms of this Agreement.

To act as agent for receipt, custody, and disbursement of funds, gifts, or other funds paid or given by the Member Cities on behalf of or for the use of the District, and shall take into account the respective usage levels of district services by the respective Member Cities.”

6. The following shall be added as Section 3.1(p) to the Agreement:

“p) To ensure all employees and Board Members are bound by and act in accordance with the ethics and conflicts of interest policy established by the Board pursuant to Section 5.8.”

7. The following shall be added as Section 3.1(q) to the Agreement:

“q) To ensure that the mandatory process is in place for effective training and onboarding of new Board members.”

8. The first paragraph of Section 5.1 of the Agreement is hereby deleted in its entirety and replaced with the following:

“5.1 **Fire Chief/District Administrator.** The Fire Chief/District Administrator shall be responsible to the Board for the efficient and economical operation of the District; the hiring, termination, supervision, discipline and the direction of the District personnel; the establishment of rules of conduct for those personnel consistent with the ethics and conflicts of interest policy established by the Board pursuant to Section 5.8; and carrying out the policies and procedures adopted by the Board. The Fire Chief/District Administrator is appointed by the Board and serves at the pleasure of the Board. The Fire Chief/District Administrator is a full time employee of the District and may enter into an employment contract with the Board.”

9. Section 5.2 of the Agreement is hereby deleted in its entirety and replaced with the following:

“5.2 **Fire Marshal.** The District ~~shall~~ ~~may~~ have a position of Fire Marshal, who shall be appointed by the Fire Chief/District Administrator solely on the basis of training, experience, and administrative, and other qualifications. The Fire Marshal's responsibilities will be to enforce the Minnesota State Fire Code and perform other duties that may be assigned by the Fire Chief/District Administrator. The Fire Marshal need not be a "member" of the Excelsior Fire District. Fire Marshal responsibilities may be performed by a contractor who is not an employee of the District; however, the Fire Marshal under the employ of the City of Excelsior on December 31, 2000 shall automatically be appointed as the District's first Fire Marshal with continuation of his/her status as a regular employee including continuation of salary, benefits, accrued leave, and other customary issues of employment. The first Fire Marshal and all subsequent persons filling that position shall serve at the pleasure of the Fire Chief/District Administrator.”

10. Section 5.3 of the Agreement is hereby deleted in its entirety and replaced with the following:

“5.3 **District Positions and Independent Contractors.** The Board may, from time to time, establish, eliminate or reconstitute other employee positions as it deems to be appropriate. The Board must at all times provide for a Human Resources function through employment or through contracting with an independent contractor.”

11. Section 5.8 of the Agreement is hereby deleted in its entirety and replaced with the following:

“5.8 **Continuation of Prior Policies, Plans, and Procedures.** All Excelsior Fire Department policies, ~~plans~~~~planes~~, procedure, and by-laws not superseded by this Agreement, in place on January 1, 2002, shall remain in effect until changed by the Board.

The terms and provisions of this Agreement shall supersede any conflicting Excelsior Fire Department policies, plans, procedures, and by-laws in place at the time of the effective date of this Agreement. The Board must establish and implement an ethics and conflicts of interest policy.”

12. Section 8.1 of the Agreement is hereby deleted in its entirety and replaced with the following:

“8.1 **Approval of Capital Improvement Program/Finance Plan.** After approval of the District's annual Operating Budget covering the calendar year 2001, the Member City councils shall approve a Capital Improvement Program/Finance Plan by an affirmative vote of ~~the a two-thirds~~ majority of the Member City councils. Any proposed amendment to the Capital Improvement Program/Finance Plan shall be approved by an affirmative vote of ~~the two-thirds~~ majority of the Member City councils no later than September 15. The vote on the Capital Improvement Program/Financial Plan or any amendment thereto shall be binding upon all Member Cities.”

13. Section 10.1 of the Agreement is hereby deleted in its entirety and replaced with the following:

“10.1 **Notice.** Notice of intent to withdraw from participation in the District may be given ~~in any year only in March of odd-numbered years,~~ with a minimum of 24 ~~33~~ months’ notice of intent to withdraw, and the final month of the term must end in December.”

14. Section 10.2 of the Agreement is hereby deleted in its entirety and replaced with the following:

“10.2 **Continuing Obligations After Notice Withdrawal.** The withdrawing Member City shall continue to pay its share of the operating budget and capital expense budget until it withdraws from the District. There shall be no further obligations after withdrawal, an amount equal to 500% of the amount allocated to it during the year of its notice of intent to withdraw. The withdrawing Member City may make this payment during the five years succeeding its leaving the District, but in no year shall the amount paid be less than one-fifth of the 500% amount.”

15. Section 10.3 of the Agreement is hereby deleted in its entirety and replaced with the following:

“10.3 **Vesting.** Any party withdrawing from the Agreement shall have no vested rights or ownership in any of the property or assets of the District; provided, however, that upon withdrawal by a Member City under this Section, the District will reimburse the withdrawing Member City for the value of that Member City’s share of the District’s capital assets. This amount will be determined by an appraisal of the capital assets at the time of the withdrawal multiplied by the percentage of the withdrawing Member City’s allocated share of the total operating budget (as determined in Section 7.1). The resulting amount due to the withdrawing Member City may be paid by the District over the three

years succeeding the Member City's withdrawal, but in no year shall the amount paid be less than one-third of the total amount due."

16. All other provisions of the Agreement remain unchanged and in full effect and are incorporated herein as necessary.

[Remainder of page left intentionally blank]

IN WITNESS WHEREOF, the undersigned governmental units have caused this Amendment to be duly executed on the day and year first above written.

CITY OF DEEPHAVEN

By: _____
Name: _____
Its: _____

ATTEST:

Its:

CITY OF EXCELSIOR

By: _____
Name: _____
Its: _____

ATTEST:

Its:

CITY OF GREENWOOD

By: _____
Name: _____
Its: _____

ATTEST:

Its:

CITY OF SHOREWOOD

By: _____
Name: _____
Its: _____

ATTEST:

Its:

CITY OF TONKA BAY

By: _____
Name: _____
Its: _____

ATTEST:

Its: