

City of Winsted
Special City Council Meeting
Winsted City Hall – Council Chambers
Monday, August 27, 2012
9:00 a.m.

City Council Members Present: Mayor Steve Stotko
Council Member Dave Mochinski
Council Member Tom Ollig
Council Member Bonnie Quast
Council Member George Schulenberg

Staff Present: Deborah Boelter, City Clerk - Treasurer
Raquel Kirchoff, Administrative Assistant
Fran Eggert, City Attorney

1) Mayor Stotko called the meeting to order at 9:00 a.m.

a) The Pledge of Allegiance was taken.

2) No Consent Agenda.

3) No Public Hearings

4) No Old Business.

5) New Business

a) Westside Skydivers Contract

Mayor Stotko stated that on August 7, 2012, the City terminated the skydiving agreement with Mr. Joe Johnson effective immediately due to noncompliance with the agreement. The City then drafted a new skydiving agreement and approved it at a Special City Council meeting on August 10, 2012. Mr. Johnson has not signed the approved agreement and has stated that he will not sign the approved agreement. Staff informed Mr. Johnson that if he wishes to present an agreement he will sign to the City Council, he may do so.

On August 21, 2012, Mr. Johnson presented the City Council with an agreement he would sign. The Council was not in favor of the agreement and directed staff to work with Mr. Johnson to draft an agreement both the City Council and Mr. Johnson would be willing to sign.

Mayor Stotko presented the new agreement. The agreement keeps the same language as the agreement approved on August 10, 2012 with one change. Under "HOURS OF OPERATION" the language has been changed to read "Johnson agrees that no skydiving activities shall take place prior to sunrise or after sunset."

If the City Council and Mr. Johnson agree to sign the proposed agreement, staff will need to work to facilitate the items in this agreement, particularly the approval of "any items to be stored on Winsted Municipal Airport Property". It is recommended that Dave Meyer, Maintenance Lead work with Mr. Johnson to offer temporary approval of items placed on the Airport property until the City Administrator is able to offer formal approval.

Mayor Stotko explained that Mr. Johnson has worked with Mr. Martens to form a contract that is provided to the City Council today; however, on Friday, August 24, 2012 Mr. Johnson signed the agreement that was approved on August 10, 2012, with the hope of having an addendum to that August 10, 2012

contract with a change to the Hours of Operation of one-half (1/2) hour after sunrise and 1/2 hour prior to sunset. Mr. Martens did speak with City Attorney Fran Eggert, who stated that it was acceptable for Mr. Johnson to sign the agreement on Friday and then sign a new agreement today with the change to Hours of Operation. Mayor Stotko stated that Mr. Johnson requested the Special City Council Meeting today and did pay for the meeting to discuss the addendum to the Hours of Operation.

Mr. Johnson stated that he knew that his business would be fighting adverse weather on Saturday, August 25, 2012 and that they had a large number of people scheduled to skydive that day. He continued by stating that they needed to be able to land at the Airport rather than shuttling the people back and forth from the alternate landing area. Mr. Johnson explained that this is the reason he signed the contract from August 10, 2012 in good faith that there would be an addendum made to the Hours of Operation at this meeting. He would operate on Saturday and Sunday, August 25th and 26th, 2012 by ceasing operations 1/2 hour prior to sunset and then discuss the addendum to change the hours to sunrise to sunset.

Council Member Mochinski stated that Mr. Johnson had stated that he signed the contract from August 10, 2012 and that he would cease operations 1/2 hour before sunset. Council Member Mochinski continued by stating that on Sunday, August, 26, 2012, approximately six (6) skydiver parachutes were opening over Winsted after sunset. Council Member Mochinski stated that he called Mayor Stotko and explained these activities were happening as they spoke on the phone together.

Mr. Johnson disagreed that activities were occurring after sunset; however, he stated that he left the City after the last skydivers were loaded. Johnson stated that the pilots must be in contact with the Federal Aviation Administration (FAA) so there should be records that list times when activities were taking place. He stated that he would look into what time the last activities occurred and follow up with the City.

Council Member Mochinski stated that Mr. Johnson has said in the past that he would look into items that were happening with his business and nothing happens. Mochinski stated that he spoke with the FAA this morning and confirmed that the City's contract with Mr. Johnson supersedes FAA regulation from sunrise to sunset. He continued by stating that a violation occurred on Sunday because skydiving activities were occurring after 1/2 hour prior to sunset and the City must decide how it should proceed. Should the City be looking at how to proceed with the violation of the contract that was signed on Friday, August 24, 2012?

Council Member Ollig asked Mr. Johnson if there were other independent parties that skydive from the Winsted Municipal Airport besides Westside Skydivers and stated that before the City would consider a violation to the contract, it would need to be sure that it was indeed Westside Skydivers that Council Member Mochinski was referring to. Council Member Ollig continued by stating that the City would need to hear Mr. Johnson's information that he said he would obtain from his records and the FAA in order to consider the violation and asked Mr. Johnson to let the City know what he found.

Council Member Mochinski stated that there is no doubt that the airplane that was flying was Mr. Johnson's plane, and stated that the City needs to consider whether it extends the Hours of Operation when the City knows he is already jumping after hours. The City needs to decide if this incident will be considered as the first violation of the contract and also needs to consider that if it does not abide by the contract on this violation, will it not abide by other regulations when other businesses, for example the liquor license holders, have violations too. Will the decision the City Council makes here set a precedent for the future?

Mayor Stotko stated that at this point, it is one person's word against another's and that Mr. Johnson has not had a chance to present his side of the information. It is not right to make a judgment on partial information.

Council Member Mochinski stated that he was concerned at how much the City would bend on the issue and that only two and one – half (2 1/2) days into a contract, something has already happened.

Mr. Johnson stated that he would like to look at the flight records from the FAA.

Council Member Mochinski stated that he was fine if the City Council wanted to proceed with the contract but that he wants Mr. Johnson to follow the rules.

Mr. Johnson stated that he was not aware of activity taking place after the contract hours of operation.

Council Member Mochinski stated that there are too many times when Mr. Johnson is not aware of activities with his business.

Mr. Johnson stated that he knows what is going on when he looks into the records and has a track record of every minute of the activities of the airplane. He continued by stating that he is not saying that it did not happen; however, he needs to look into the records and he would do that this morning.

Council Member Quast stated that she would like to hear City Attorney Eggert's opinion on the violation complaint. Mr. Eggert replied that if the incident occurred last night, the City does not have all of the information. The City would need to have a hearing for Mr. Johnson to explain and if the City decides to proceed with a violation, they can complete that separately. Mr. Eggert continued by stating that the only item on the agenda for today is to consider extending the hours from sunrise to sunset within the contract.

Council Member Ollig motioned to approve the Skydiving Agreement as presented today, stating that the hours of operation would be sunrise to sunset, be placed into effect. Council Member Quast seconded. Motion carried 5-0.

6) No Other Business.

7) Adjournment

Council Member Ollig made a motion to adjourn the meeting. Council Member Schulenberg seconded the motion. Motion carried 5-0.

The meeting adjourned at 9:20 a.m.

Steve Stotko

Steve Stotko
Mayor
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff
Administrative Assistant
City of Winsted