



CITY COUNCIL SPECIAL MEETING AGENDA

The following is a summary of the items to come before the City Council at its special meeting to be held on Wednesday, July 1, 2015, at **9:00 a.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 15-11. Resolution numbers start with 15-17.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) COMMUNICATIONS FROM THE PUBLIC — (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 4) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Ordinance No. 15-___; An Emergency Ordinance enacting a ban on the discharge and use of fireworks inside Whitefish City limits for up to 90 days (p.)
- 5) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
- 6) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)

ORDINANCE NO. 15-__

An Emergency Ordinance of the City Council of the City of Whitefish, Montana, to ban the discharge of fireworks, as defined in Whitefish City Code Section 9-1-6(A), within City limits, providing an exception, and waiving the second reading, with an immediate effective date.

WHEREAS, the Whitefish area has experienced record high temperatures, record low rainfall for the months of May and June, below normal snowpack, and unusually dry wildland fire fuels that have created extreme fire conditions; and

WHEREAS, the Whitefish Fire Department has reported extreme fire behavior in the area's recent wildland fires; and

WHEREAS, due to the rising fire danger, the Montana Department of Natural Resources and Montana Fish, Wildlife and Parks have suspended burn permits and initiated Stage I and II Fire Restrictions; and

WHEREAS, the Flathead City-County Health Department has reported the cities of Kalispell, Columbia Falls and Whitefish are categorized as non-attainment for particulate pollution by the Environmental Protection Agency, warning residents of the pollution source risks of wildfires and resulting poor air quality; and

WHEREAS, fireworks start fires, endanger property in town and bring the risk of wildland fires; and

WHEREAS, the Whitefish Chamber of Commerce provides the Community's professionally run public display of fireworks at City Beach and should be exempted from the ban because the display is over water and Whitefish Firefighters will be at City Beach and in their fire boat on the water during the display; and

WHEREAS, in the event of an emergency, MCA §7-5-104 authorizes the governing body to waive the second reading of an ordinance passed in response to an emergency and is effective upon passage; and

WHEREAS, an emergency ordinance requires a two-thirds vote of the whole governing body for passage and shall remain effective for no more than 90 days; and

WHEREAS, at a publicly noticed special meeting called by the Mayor, the City Council received Staff reports of dry fuel conditions, poor soil moisture, low precipitation, high temperatures, and an abundance of fuel creating the area's extreme wildland fire danger, invited public input, and approved the Emergency Ordinance to ban the discharge of fireworks within City limits due to the extreme fire danger; and

WHEREAS, it will be in the best interests of the City of Whitefish and for the general health and safety of Whitefish residents and visitors to ban the discharge of fireworks, provide an exception to exempt the Whitefish Chamber of Commerce public display of fireworks scheduled for July 4, 2015, and suspend Whitefish City Code §9-1-6(C)(2) authorizing the discharge of fireworks within the City limits; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: All of the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: Due to the extreme fire conditions, no person may discharge any fireworks, as defined in Whitefish City Code §9-1-6(A), except as exempted by this Ordinance. The City's ban on the discharge of fireworks is effective immediately upon passage of this Emergency Ordinance and second reading is waived.

Section 3: Whitefish City Code §9-1-6(C)(2) permitting the discharge of fireworks within City limits is suspended for a period of no more than 90 days.

Section 4: The Whitefish Chamber of Commerce public display of fireworks scheduled for July 4, 2015, is exempt from this Ordinance. However, this exemption may be revoked by the City if weather and fire conditions become of such increased risk of fire danger that the ban is needed to protect public health and safety.

Section 5: Whitefish City Firefighters as well as Police Officers have the authority to issue City citations for the violation of this Emergency Ordinance.

Section 6: Whitefish City Code §9-1-6(E) provides the penalty for violation of this Emergency Ordinance as follows:

Any individual, firm, partnership, corporation or association violating the provisions of this section shall be punished by a fine of three hundred dollars (\$300.00) for the first offense, and five hundred dollars (\$500.00) for the second or subsequent offense, payable to the city, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be deemed to be a separate offense. In addition, any individual, firm, partnership, corporation or association violating the provisions of this section shall be deemed to have committed a municipal infraction, the penalty for which is set forth in section 1-4-4 of this code. For each separate incident, the city shall elect to treat the violation as a misdemeanor or a municipal infraction, but not both. If a violation is repeated, the city may treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction, or vice versa.

Section 7: If any section, subsection, sentence, clause, phrase or word of this Emergency Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall affect only that part held invalid, and the remaining provisions thereof shall continue in force and effect.

Section 8: This Emergency Ordinance shall take effect immediately upon its adoption by the City council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS 1ST DAY OF JULY 2015.

JOHN M. MUHLFELD, MAYOR

ATTEST:

Vanice Woodbeck, Assistant City Clerk



IRON HORSE
GOLF CLUB

MEMO

To: Chief Page
Whitefish Fire Chief

May 18, 2015

From: Ryan Wakefield

Re: Fire Prevention Plan

To reduce fire hazards and increase safety for spectators, the following fire prevention plan will be implemented prior to and during the scheduled July 3rd fireworks show at Iron Horse Golf Club.

1. LOCATION

- See attached map (red x)
- Location: Launching pad to be located 420 feet from nearest structure. Area is surrounded by 1-acre lake to the west and a stream to the north and east. Fairways #10 and #18 surround area as well. Launching area is generally flat and void of brush.

2. PYROTECHIC

- Iron Horse has acquired the services of Entertainment Fireworks Inc. and Jared O'Dell, commercially licensed pyrotechnic to launch all fireworks.
- See attached Fireworks Display Proposal for more detailed fireworks information.

3. PREVENTATIVE MEASURES

- In case of inclement weather or wind, the City Fire Marshall may cancel the show at any time by contacting Ryan Wakefield at 406-250-0293.
- 48 hours prior to fireworks show, Iron Horse grounds crew will thoroughly water all areas within a 300-foot radius of launch site, or as recommended by the City Fire Marshall.
- Maintenance staff with fire hydrant experience will be on standby during show with all necessary equipment, hoses and tools to charge hoses in case of fire. Approximately 10 hydrants are accessible

surrounding the 10th and 18th fairways. Maintenance staff will be in radio contact at all times.

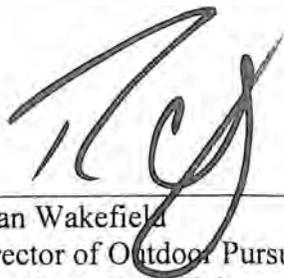
- Irrigation hoses will be accessible by pyrotechnic at launching site, for quick use in case of fire.
- Fire tools will be accessible to Iron Horse Maintenance during the show. Tools will include Pulaskis and shovels.
- Fireworks will be stored by Entertainment Fireworks prior to show in magazines to reduce fire hazard.

4. POST-EVENT FIRE WATCH

- 2 individuals will perform a 2-hour fire watch after the show. This watch will cover a 500-foot radius from the launching platform.
- Both individuals are familiar with fire hydrant use and fire tools.

5. SECURITY

- Security will maintain a roving fire watch during and after the show.



Ryan Wakefield
Director of Outdoor Pursuits
Iron Horse Golf Club

5/18/15

Date

THE PERMIT SHALL BE SUBMITTED 15 DAYS PRIOR TO DISPLAY

**APPLICATION FOR PERMIT FOR THE OUTDOOR PUBLIC DISPLAY OF
FIREWORKS**

1. INDIVIDUAL, GROUP OR ORGANIZATION SPONSORING THE OUTDOOR FIREWORKS DISPLAY:

Name: Iron Horse Golf Club
Address: 2150 Iron Horse Drive
City: Whitefish State: MT Zip Code: 59937
Telephone Number: (406) 863-3040 Fax: (406) 863-3099

2. SUPPLIER OF FIREWORKS:

Name: Entertainment Fireworks
Address: P.O. Box 7160
City: Olympia State: WA Zip Code: 98507-7160
Telephone Number: (360) 352-8911 Fax: (360) 352-0205

3. EVIDENCE OF FINANCIAL RESPONSIBILITY:
(Please attach proof of insurance)

\$1,000,000 General Liability Insurance (ARM 23.7.204) Acord - see Attached

4. FIREWORKS DISPLAY TO BE HELD: (mm/dd/yy): 7/3/15 Time: 10:00PM
PROPOSED ALTERNATE WIND / RAIN DATE FOR DISPLAY: (mm/dd/yy): NA Time: _____

5. LOCATION PLANNED FOR THE FIREWORKS DISPLAY: min 420' From clubhouse, crowd,
or other structures

6. OPERATOR / PYROTECHNICIAN: JARED O'dell
NAMES OF ASSISTANTS: _____

7. RESPONSIBLE FIRE DEPARTMENT IN AREA OF DISPLAY: WFD
NAME OF PERSON CONTACTED: ~~WFD~~ / Chief Page

10. LOCATION WHERE FIREWORKS ARE TO BE SECURELY AND PROPERLY STORED PRIOR TO DELIVERY TO THE OUTDOOR FIREWORKS DISPLAY SITE:

offsite with Entertainment Fireworks Representative

(FIREWORKS WILL BE STORED IN ACCORDANCE WITH ARTICLE 7803, UFC 1997)

11. ATTACH A DIAGRAM OF THE GROUNDS ON WHICH THE OUTDOOR FIREWORKS DISPLAY IS TO BE HELD SHOWING:

- A. The point at which the fireworks are to be discharged.
- B. The location of all buildings, highways and other lines of communication.
- C. The lines behind which the audience is to be restrained.
- D. The location of other possible overhead obstructions.
- E. Attach additional information if needed.

11. ADDITIONAL INFORMATION:

Have you been convicted of a felony, gross misdemeanor, or misdemeanor involving fireworks or explosives? Y N

Have you caused or permitted a fire or safety hazard to exist or occur during the storage, transportation, handling, preparation or use of fireworks? Y N

Have you conducted a display of fireworks without receipt of a permit required by the state or political subdivision? Y N

Have you conducted a display of fireworks with assistants who were not at least 18 years old, properly instructed and continually supervised? Y N

IF YOU ANSWERED YES TO ANY OF THESE QUESTIONS, ATTACH A SEPARATE DOCUMENT WITH EXPLANATION.

I verify that the above information is true and accurate. I am aware that any false statement constitutes fraud and may result in a revocation of my permit.

Entertainment Fireworks
Signature

SEE ATTACHED
Date

Upon receipt of this application 15 days in advance of the date set for this outdoor fireworks display, the authority having jurisdiction may make or initiate an investigation of the site of the proposed display for the purpose of determining compliance with these regulations in the case of the particular display.

APPLICATION: APPROVED DISAPPROVED

PERMIT ISSUED: _____

DATE: 5/27/15

FIRE DEPARTMENT NOTIFIED OF DISPLAY: _____

J. THOMAS KENNEDY FIRE MARSHAL

AUTHORITY HAVING JURISDICTION: _____

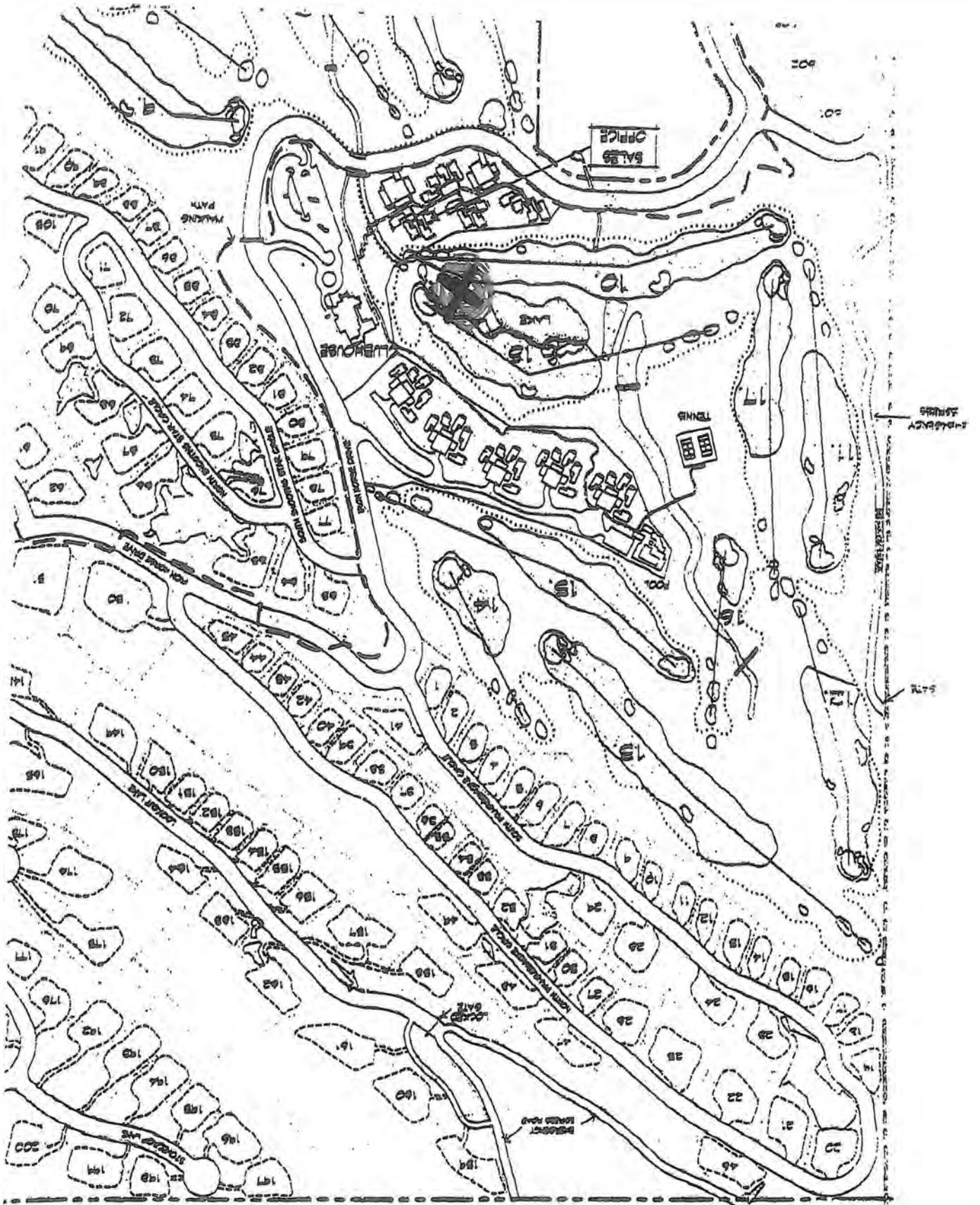
CITY OF WHITEFISH FIRE DEPARTMENT

J. Thomas Kennedy

References:

- NFPA 1123: Code for Fireworks Display
- Montana Code Annotated (1999) Title 50 Chapter 37
- Administrative Rules of Montana 23.7.202 - 204

06/22/10



1

Iron Horse at Whitefish – Program A July 3, 2015

Entertainment Fireworks, Inc. is pleased to present this proposal for Iron Horse at Whitefish fireworks production. This is a complete program and includes:

- Licensed Operator and Crew
- Transportation
- Worker's Compensation
- Liability Insurance Coverage
- All Equipment to Fire Display
- Administrative Coordination (all necessary permits and licenses)

Entertainment Fireworks purchases quality pyrotechnic materials from select sources in the United States, Europe, and Asia to provide your event with the best varieties possible.

These products have been selected with consideration of your budget, location and display to achieve, in our professional opinion, the maximum variety of color, size and overall effect.

If you wish to make any adjustment to quantities suggested, we would be happy to make changes of equivalent values at your request.

The following descriptions are representations of the types of aerial shells and other pyrotechnic materials to be used in your fireworks display.

And now to introduce your program...

Iron Horse at Whitefish – Program A July 3, 2015

Fireworks Display Proposal

Aerial Display Shells

3-inch Aerial Shells	Color	48
	Fancy	24
4-inch Aerial Shells	Color	51
	Fancy	15

Specialty Display Products

25	Salutes: Titanium Flash Heavy Report (total of chained or single salutes) 3" Salutes
3	Multiple Shot Aerial Display Devices (Description of Varieties): (2) 100-shot Effect Cakes, (1) 100-shot Fan Effect Cake

Iron Horse at Whitefish – Program A July 3, 2015

Fireworks Display Proposal

Display Shell Recap

Total 3" Shells	72
Total 4" Shells	66
Total Specialty Display Products	28
GRAND TOTAL	166

Grand Finale

Finale Shells: A magnificent display of fantasy in the sky. Sounds of bursting barrages and a star break of spectacular colors. Shells simultaneously bursting in the sky, spreading a glorious rainbow of colors and lighting up the heavens with breathtaking beauty. A very special ending to your evening of a grand display of fireworks.

Quantity

2½" Finale Shells	30
3" Finale Shells	20
4" Finale Shells	10
TOTAL FINALE SHELLS	60

WKS Parking lot
Feb 2019





V.P. PROPERTY APPRAISALS July 2011

