

CITY OF PRESCOTT, WISCONSIN
FEBRUARY 10, 2010 ORDINANCE COMMITTEE MEETING MINUTES

Pursuant to due call and notice thereof, a meeting of the Ordinance Committee was held Thursday, February 10, 2010 at the Municipal Building, 800 Borner St.

Chairperson Mark Huber called the meeting to order at 7:00 p.m. Members present were Mark Huber, Marissa Holst and Peter Kelly. Fire Chief Bill Dravis and Zoning Administrator Jayne Brand represented staff. Also present Mayor Mike Hunter and City Attorney Terry Dunst. Scott DeGross, Wayne Schulte and Attorney Barry Lundeen represented Premium Properties

Kelly/Holst motion to approve the minutes for January 21, 2010 with changes passed without a negative voice vote.

Fire Chief Bill Dravis began the meeting with presenting the information from NFPA 1206 regarding hazardous material. Alderperson Kelly questioned the 125 pound limit for a building in the NFPA Code. Chief Dravis explained that in each control area can contain up to 125 pounds and that this building can have up to four control areas. Where the composition of the consumer fireworks are not known the gross weight can be reduced to 25% for packaging. An example would be if the gross weight was 100 pounds it can be reduced to 25 pounds. This building could hold up to 2000 pounds gross weight. Alderperson Holst stated that she feels they need to know how much material is in that building. Attorney Dunst reminded the committee that the issue that they are reviewing is the setback from a dwelling. Alderperson Holst questioned if the setback is from the building or from the fireworks. Attorney Dunst stated that is a decision that the ordinance committee needs to make. Fire Chief Dravis stated that NFPA requires them to provide the information regarding weight to the authority having jurisdiction.

A video was provided by Premium Properties from the US Department of Transportation which shows how fireworks burn. Scott DeGross handed out how the codes came about and what is applicable.

Attorney Dunst stated that the fire code can be enforced along with the setback codes. But these are two separate issues.

Alderperson Huber stated that he feels the health and safety of the residents is the most important thing. Alderperson Huber stated that he needs to know more about the building that these fireworks are being stored in. Attorney Dunst stated that the state statute does describe the size of the building or how much can be stored in the building.

Alderperson Huber stated that he feels that he still needs to know what is in the building. He stated that if this was a new building it would have state approval.

It was discussed that the committee needs to look at the city as a whole and not just this one building.

Chief Dravis was asked his opinion on the fireworks building. He stated based on the type of building and where it is in the city he supports the 500 feet.

Alderperson Huber stated that he feels that the 500 foot setback is defensible since the 500 feet have been on the ordinance books for a number of years and the Fire Chief's recommendation.

Alderson Kelly stated that the decision should not be based on fear.

Scott DeGross reviewed how the codes came together. The state has statute with 50 feet and then the building code comes into play. Building Code, NFPA1 and 2002 building code determines what each occupancy needs to comply with. DeGross stated that State of Wisconsin has chosen not to retroactively enforce the building code with certain commodity. DeGross has said that they will put in a fire wall at 50 feet and a sprinkler system.

Attorney Dunst said that we feel they are not in compliance with building code that we need to be enforce them but reminded the issue here tonight is setback from a dwelling.

Alderson Huber stated that he feels that the state code is probably the minimum. He suggested that Victory draft their plans and submit them to the state for the state approval.

Mayor Hunter asked Premium Property if they could tell the committee how much is being stored. Scott DeGross stated that the amount being stored can change daily. DeGross stated that it is a warehouse and the product changes seasonally.

DeGross stated that the 125 pounds and 250 pounds are for new buildings. DeGross stated that they have followed the procedures that were in place at that time. Chief Dravis stated that he does not feel that they have met all of the procedures.

Mayor Hunter stated that the council needs to live up to safety standards for the community.

DeGross stated that NFPA1 allowed for grandfathering of buildings. Chief Dravis stated that he did not believe that NFPA1 allowed for any grandfathering.

Alderson Kelly asked what Judge Wing ruled which was clarified as putting the two ordinances together and used the 50 foot in his ruling.

DeGross asked why the city does adopt the state code of 50 feet and then go after other codes that they are in violation of.

Alderson Kelly asked Chief Dravis if there was a state of the art building would he still think that we would need the 500 feet. Chief Dravis stated that where the building currently stands even if it was state of the art building.

Alderson Holst said that she feels that the building, fire codes and setbacks go hand in hand.

Attorney Lundeen reaffirmed that the state distance of 50 feet is a safe distance.

Attorney Dunst stated that the city does have the right to be more restrictive.

Attorney Lundeen stated that they are not looking at creating a safety issue. He also said if there are fire violations then they need to be enforced.

Attorney Dunst stated that when the possible violations have been brought up Premium Properties have said that the codes don't allow for them.

The committee feels that they need more time to review the information that was provided.

Alderson Huber requested that Premium Property provided the committee the average monthly weight of fireworks that are being stored in the building.

Wayne Schulte offered an engineering study that was completed approximately two years ago. He also offered a study by Rick Thornberry.

Next meeting set for February 25, 2010 at 5:00 p.m.

Kelly/Holst motion to adjourn passed without a negative voice vote.

Respectfully Submitted,

Jayne M. Brand