

**WOODS CROSS CITY COUNCIL SPECIAL CITY COUNCIL MEETING  
AND CANVAS OF NOVEMBER 3<sup>RD</sup> ELECTION  
NOVEMBER 10, 2009**

The minutes of the Woods Cross City Council Special Meeting held November 10, 2009 at 6:30 P.M. in the Legacy Preparatory Academy, 2214 South 1250 West, Woods Cross, Utah.

**CONDUCTING:** Kent Parry

**COUNCIL MEMBERS PRESENT:**

Kent Parry, Mayor	Jill Evans
Tamra Dayley	Jon Hadlow
Rick Earnshaw	David C. Hill

**STAFF PRESENT:**

Gary Uresk, City Administrator  
Alan Low, City Recorder  
Tim Stephens, Community Development Director  
Michael Hayes, City Attorney  
Steven Cox, South Davis Metro Fire Agency Marshal

**VISITORS:**

Paul Corollo	Noel R Potter	Maria Villasenor
David Scott	Melisa Gailey	Lynn & Debbie Boulton
Lori Scott	Leslie Morton	Ryan Westergard
Paul Howard	Anne Blankenship	Curtis Poole
Chelsi Hadley	Hall Blankenship	Todd Weiler
Mark Grover	Melinda Williams	Brian Rau
Kermit & Taunya Badger	Leo Beecher	Dick Clyde
Lee Peacock	Joe Dougherty	Maureen Nelson
Michelle Goddard	Jan & LeDel Pace	Athena Dayley
Janet Curl	Christopher McKay	Jodilyn Wall
Gordon Curl	Katie McKay	Dave Winward
Larry Hawkins	Jimm Kjelgaard Jr.	Shari Winward
Linda Wood	Michelle Kjelgaard	Tom Lindhardt
Kelly Slagowski	Allison Pickett	Anneke Lindhardt
Amber Meier	Brad Wall	Jim Mattered
Helen Meier	Debbie Toner	Scott & Shawna Ford
Tammy Llewelyn	Scott Toner	Cordell & Janet Allen
Penny Llewelyn	Leola Mikelsen	Lindsey Boynton
Ruth Hatch	Wade Hugoe	Rob & Becky Lingard
Boyd Dart	Myra Cluff	Drew Roberts
Dennis Hooper	Kim Blundell	Cindy Gubler
Sam Sonntag	Kelly & Angela Bird	Scott Olsen
	Mike & Rachel Johnson	Jayne Lechtenberg

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Lyle Lechtenberg	Andrea Salisbury	Chad Salisbury
Travis Wigen	Brian White	Brian & Mary
Melissa Wigen	Isaac Yospe	Holdstock
Jon Messina	Michelle Somers	Trina & Brandon
Adam Evarts	Mike Somers	Patterson
Dan Tillema	Heather Oyler	Candice & Tim
Candy & Reed Hawkes	Amie Bennett	Bergstrom
Brett Newmann	Joel McConkie	Jeff & Jennifer
Chris Hall	Sue Fors	MabeyFred Ochoa
Dale & Darla Nelson	Robyn Smith	Deanne Carroll
Wes & Linda Gilbert	Al Smith	Dale Averett
Carl Dixon	Nancy Hadlow	Tonia Averett
Troy Burbidge	Cory Green	Carol Deering
Gary Gardner	Lois Schrader	Travis Deering
Ed Richardson	Russ Schrader	Eston Kimber
David Richardson	Don Schrader	Brenda Kimber
Dero Gertsch	LeGrande Blackley	Tracy Mattert
Paul Gaerte	Pat Blackley	Wallace St. Jeor
Gordon Flygare	Carolyn Low	Marc A. Evans
Susan Flygare	Loretta Park	Ryan Lundquist
Mark & April	Sandy Gilmour	Crystal Folgmann
JohnsonAlan Kearsley	Traci Peterson	Greg Simonsen
John Casselbury	Mark Petrson	Shelly Timmreck
Shawn Casselbury	Quinn Lavender	
Johnny Rivers	Kristin Carroll	

**INVOCATION:**

**TAMRA DAYLEY**

**PLEDGE OF ALLEGIANCE:**

**KENT PARRY**

The Mayor welcomed those in attendance and stated this is a special meeting, that notice of time, place and agenda of the meeting was sent to local newspapers and provided to each of the City Council Members prior to the meeting.

**CANVASS OF THE 2009 MUNICIPAL AND DAVIS SCHOOL DISTRICT BOND ELECTIONS**

The Mayor gave the floor to the City Recorder who presented to the City Council the recent election materials as follows: The voter registration books, the polling books, the disposition of ballots, the ballot talley counting book. The City Council reviewed these materials and found the election had been conducted in accordance with state statutes. The floor was then given to Councilmember Hill who motioned the City Council approve the 2009 Municipal and Davis School District Bond Elections as presented by the City Recorder per the voting materials that were presented to the City Council this evening

and that the election results be declared official. Councilmember Earnshaw seconded the motion and all voted for the motion through a roll call vote.

**DISCUSSION OF THE SILVER EAGLE REFINERY EXPLOSION INCIDENT  
OCCURRING NOVEMBER 4, 2009**

The Mayor welcomed those present who had come to discuss the Silver Eagle explosion incident on November 4, 2009 and explained to those in attendance the discussion would be had by the City Council concerning the incident and the details would be reviewed by the City Staff. Following the discussion by the City Staff and the City Council, the Mayor said he would then allow public comment.

With that the Mayor gave the floor to the City Administrator who reviewed the following information with the City Council. The City Administrator explained to those present, many had contacted the City Staff asking why the City had allowed the subdivision to be constructed immediately east of the refinery across the railroad tracks. The City Administrator outlined the following for those present.

“On August 13, 2001 an application for a subdivision on the property immediately east of the Silver Eagle Refinery was made by the property owner. In response to this application, City Staff retained the services of REDD Engineering and Construction Inc. to study the impacts of the nearby oil facilities on the proposed development. The REDD report submitted to the City in October of 2001 used HUD guidelines to create ASD’s (Acceptable Separation Distances). Drawing # 0159-G01 titled “People Acceptable Separation Distances” shows encroachment into the proposed area to be developed. This ASD is for people outdoors exposed to heat from a thermal event. Please note an ASD is drawn for a future hydrogen tank which has never been built and could not be considered for regulatory purposes. Please also note there was no ASD drawn for the MDW/HDS unit where the blast occurred on November 4th. The REDD report lists in Appendix 3 the separation distance for, process units, process vessels, fired process heaters, etc. at 100 feet, well short of the property line of the proposed subdivision. Contrary to media reports there is no “Blast Zone” identified encroaching into the proposed subdivision in the REDD report. Pressure tanks, as stated in page 4 of the report, require blast overpressure zones be designated. Since there were no existing pressure tanks identified in the REDD report there is no blast overpressure zone encroaching into the subdivision. Only thermal zones were identified in the REDD report.

“Please note in the drawing #1579-GO2 “Building Acceptable Separation Distances” that even in accordance with the HUD standards buildings in the Morningside subdivision should have been protected. Since the explosion damaged buildings, the incident was above and beyond the scope even anticipated using the HUD standard. Furthermore, it is possible that if the subdivision had been built to HUD standards without the berm and wall the same amount of damage or more could have been sustained to the homes in the subdivision due to the blast.

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“Upon submittal of the REDD report to the land owner, the land owner retained Psomas Engineering to prepare and submit to the city an “Analysis of Required Distances”: Silver Eagle Refinery, Pioneer Pipeline”. This report pointed out that 175 feet of separation was the most restrictive distance that could be required under the current codes adopted by the City. Please note the 175 feet is less than HUD ASD for people but more than the HUD ASD for buildings. During the February 26, 2002 Planning Commission meeting Tim Stephens, the Woods Cross Community Development Director, presented his staff report which stated as follows:

“Recently, the Planning Commission and City Council approved a final plat for the first phase of Morningside Estates. Phases 2 & 3 were held up based on concerns relating to development in the proximity of the Silver Eagle Refinery and Pioneer Pipeline Tank Farm. As a result, the City commissioned a study of the subject property applying the conservative HUD standards. As a result, the HUD standards imposed restrictions on the use of the property. As a result, Mr. Blosch and his associates commissioned Psomas Engineering to do a study, applying standards as the city’s own hazardous materials ordinance, the Uniform Fire Code, the National Fire Protection Association Standards, the American Petroleum Institute Standards, International Fire Code provisions, Utah Code, Federal Code and EPA Chemical Accident Prevention Standards. The Psomas report concluded that the tanks only posed a danger at a distance of 175 feet, which did not impact the Morningside Estates property.

As a result, the staff, City Engineers, our consulting engineers and City Attorneys evaluated both the Psomas report and the City’s REDD report and several conclusions were reached:

1. The City has never adopted the HUD standards for application.
2. The HUD standards are very conservative.
3. The numerous standards that the Psomas report evaluated, on the other hand, are less restrictive and more liberal than the HUD standards.

“Based upon council from our consulting engineers and our City Attorneys, we met with Mr. Blosch and his associates to seek a compromise between the various findings of the 2 studies. It was concluded that the developer will construct an 8 foot high berm, topped by a 6 foot concrete wall along the west boundary of the project.”

“The City’s position was that under the current International Fire Code the subdivision met the 175 foot separation distance from the storage tanks in both the Pioneer and Silver Eagle Refinery facilities. However, following the recommendation of the fire marshal, the land owner agreed to install an 8 foot berm and 6 foot retaining wall to mitigate the tank separation distance shown on drawing 01579-GO2 of the REDD report. This drawing incorporated the tank separation standards listed in Appendix 3 of the REDD report. With this additional requirement the Planning Commission felt the safety of this subdivision was adequately provided under the current code.

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“The blast that occurred on November 4<sup>th</sup>, 2009 felt as far away as Roy and Salt Lake City occurred due to the rupture of a pressure line in the processing facility that was not identified in any of the reports or in any of the applicable codes as a hazard to the Morningside Subdivision. This was an incident well beyond any incident anticipated in the fire code and the regulatory ability of the city to provide absolute protection for its residents.”

“On September 3, 2002, the City council approved phases 2 and 3 of Morningside Subdivision with the condition that disclosure be made to the property owners in these plats that they are locating near the flame towers that may emit light, odor and sound.

“Concerns have been raised that the City did not ensure that the above mentioned disclosures were made. Many seem to believe that the condition included the separation distance reports.”

**FACTS**

- “The City Council condition was specific to light, odor and sounds being emitted from the flare towers which could cause annoyance to homeowners. It did not imply that that city was putting homeowners in an unsafe situation.”
- “The city does not have the staff to monitor deed restrictions on every lot within subdivision or other parcels.”

Following the presentation of the information by the City Administrator, the City Council asked pointed questions concerning clarification of the information he had presented. Following that, the floor was given to the City Planner who advised those present, the property had been rezoned residential in the late 1980’s or early 1990’s and the City Staff was still researching when the exact date was. The floor was then given to the fire marshal who advised those present the purpose of the berm and the wall that was constructed on top of the berm to protect the homes to the east of the refinery.

The floor was given to Councilmember Hill who reviewed with those present the various accidents and incidents that have occurred with the refinery over the last five years. The Mayor commended the communication and safety improvements that have occurred with Silver Eagle in the past months. The floor was given to the City Administrator who noted the November 4<sup>th</sup> incident was truly a set back because it was larger than anyone had anticipated. The City Administrator went on to say the City Staff will work with regulatory agencies from the State and Federal Government to ensure the facility is made safer for future operations.

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There were many additional comments from the City Council and the public that was present. Please be referred to the audio minutes of the City Council meeting for the detail of this information.

Following the comments, the Mayor thanked those who had come forward and expressed their opinions as well as the City Council for their excellent questions and comments. He said this concluded tonight's meeting.

**ADJOURNMENT:**

At 8:55 P.M. Councilmember Earnshaw motioned to adjourn the City Council Meeting. Councilmember Dayley seconded the motion and all voted for the motion through a roll call vote.

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Kent M. Parry, Mayor

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Alan T. Low, City Recorder