



Ferron City Regular and electronic Planning Commission Meeting  
Minutes 08-07-2018  
Commission Room – Ferron City Hall  
20 East Main Street, Ferron Utah  
Phone - (435) 384-2350 Fax - (435) 384-2557 Web - ferroncity.org

**PRESENT:** Commissioner Chair Ronny Bloomer Commissioner Brad Richman  
Electronically: Commissioner Liz Nielson

**OTHERS PRESENT:**

Shala Hunsaker, Recorder Gil Bowden  
Tami Bennett, Treasurer Heidi Bowden  
JD Seely

1. CALL TO ORDER

Commission Chair Bloomer called the meeting to order at 7:06 pm and welcomed everyone. The roll call noted that Commissioner Richman was present as well as Commissioner Nielson via phone

2. APPROVAL OF MINUTES DATED JULY 10, 2018

**Commissioner Richman moved to approve the minutes as written. Commissioner Nielson seconds the motion. The motion carried with all commissioners voting aye.**

3. Business License  
Brett Tennent- not in attendance

Gil Bowden- Gilly's Convenient store and hotel  
Mr. Bowden explains that this week he has been notified about major changes. He states the courts notified him today that Gilly's has been dismissed from the bankruptcy court and will be going back to the trustee Monday for foreclosure. After 30 days, it will receive a new deed/title. Mr. Bowden is therefore attending planning and zoning meeting asking for a business license and plans to once again have ownership of Gilly's.

Brief discussion of the plans Mr. Bowden has for Gilly's. He would like to do much of the same as before when he held a business license for Gilly's. This will include fuel sales, fast food, candy, grocery, oil, camping supplies and general convenient store items.

Brief discussion of the EPA issues at the location. Mr. Bowden states, "I have been in contact with the State Attorney General office, Paul McConkie, and Wynn John over water environmental issues, as well as Ben Bowers. Ben is a contractor who did all the drilling, cleanup and fixing of the oil things here. They all want to get this thing going, but they want someone to be responsible. Until I got through with the bankruptcy, I didn't want to be involved. As soon as I tell them I'll take responsibility to pay for it, we'll start doing the containment that's over here. I have a letter here they wrote the mayor. It says that to start selling gasoline again ASTs and the dispenser ATS is the lines, or the fuel tank things; and dispenser lines would need to be tightened and tested for leakage and if no leaks, there is no reason that gasoline sales can't resume. Now they did this before and Mark started selling fuel, so that parts all been done, but he couldn't pay for his fuel and no one would bring any more fuel to him, so that's been done. The thing that didn't happen is the ground cleanup. Mark never finished the ground cleanup and digging up the ground and checking it. I've got Ben, he was going to start that back in July, but because of the bankruptcy, the trustee wouldn't give him permission to do it. So I'd like to get this license so I can cover my liability and start doing it. The trustee that's over the foreclosure just has to give me permission to do it cause he's the trustee, until I'm the owner. So that's where we're at now. We can actually have fuel going within two or three days; I've talked to Darren Anderson, he's the one who

installed all the equipment. He gave me a price to come put a new console inside, cash register. He said in a half a day and about \$2500 he can have the fuel running again. So, we are only 40 days away from doing fuel. Usually these bankruptcy's take 2 years or more but because of the letters to the Attorney General and him getting involved and then me talking to him and him talking to the courts, they resolved this thing in 3-4 days. So, it's helped to have the interest here. So basically, I'm just applying for the same license I had before."

Mr. Bowden then discusses that he isn't positive that he will sale Beer or Tobacco, so he didn't put it on the application because of the hassle and liability.

Commissioner Bloomer asks about the exact timeline. Mr. Bowden states, "What I was told today is the court is going to take until Friday to document it on the court records and turns over to the trustee and from the day he advertises it, there's 30 days. So, I'm saying 40 days out. That gives a ten-day window for this. Between the trustees, there's a bankruptcy trustee and a foreclosure trustee. For them to do the documents and file it, it has to be advertised in the paper that it's back for foreclosure and it can't sale for 30 days and then it can sell. And I perceive that I will be the buyer of it; there is a chance that someone wants it and wants to pay off all the liens and my mortgage and stuff, and they'd buy it. My goal is to get the gas going and cleaned up. What's stopped it from selling right now is nobody's known and nobody wants to pay to have the test. Ben and the Attorney General have agreed to let me be a part of testing and digging it up, and then we'll go from there and I'd be responsible. You're looking at a big difference of money if it's a 3<sup>rd</sup> party or me. So I get this license and I can have my insurance and everything cover me because I'm licensed again to do it. If I buy it I run it; if someone else buys it, it's open for them. It's done. The contamination and stuff we won't know until we see. This being shut down for the 8 months it's been in bankruptcy, and the year Mark had it, we don't know how far it's progressed. The longer we wait, the worse and farther it travels. So my intent is to get it done. That's what I told them, it's not right." Commissioner Richman asks about testing the lines again, Mr. Bowden answers that the potential opening will be the first part of October.

Discussion about testing the ground for contamination. Mr. Bowden states they have given him two choices, "They can go and drill right now. We can go drill the hot spots they tested; dig them up, and then they'll determine where it's headed and test it. For sure they're going to drill a couple test holes. They're estimating 15,000-20,000 to do some tests. If it shows it's going farther, we'll do some more tests. I can't control that. If I don't do it, no one is going to buy it, I'm still stuck with it." Heidi Bowden states, "There's no leak for the gasoline, it's just the diesel." Mr. Bowden clarifies, "There have been rumors that the tanks leaked. The premium oil still has 2300 gallons of fuel sitting in it. Don Thompson with Thompson oil sold him that fuel and he has told me he'll come pump it out and exchange it. He's the one who told me the fuel is still in there. On the line here, I've talked to Ben Bowers and he said yes it was the premium line. He showed me the hot spot, they've got a little test zone. It hasn't progressed, and they've been testing it. He's pretty confident it's not the tanks, it's the line. I was going to do this back in July, but the Trustee wouldn't give me permission and the Attorney General wanted to know if I wanted to take responsibility without being the owner, and so I said no let's wait. Now they've dismissed it because of the involvement, so now I can go ahead and do it because it's not in court."

Commissioner Bloomer asks if the business license is approved, is Mr. Bowden still going to be tied up for 30 days regarding the legal issues. He responds that it will be at least 30 days as he still needs to obtain workers comp. Mr. Bowden explains that he has everyone waiting, but he needs the business license in order to do this.

Discussion on when the business will be operational. Mr. Bowden states, "I put on here my date of opening will be October 2018. That's when I figured I'll be opened. I won't have actual ownership as a deed for probably 40 days. No one else does either, it's the trustee in foreclosure and by law they have to advertise it and open it up for open sale. If someone bid there's another person that will be applying for a license. That's the only way I can get the gas

lines going on it and clears me to start going in that direction.”

Brief discussion of testing for contamination. JD Seely asks if Gill Bowden is under the EPA super fund? He responds that above ground tanks aren't part of that fund. Mr. Seely gives a brief description on how testing can be done yourself. Mr. Bowden responds Ben Bowers is going to be doing the testing upon the states request. He has agreed that if Mr. Bowden wants to go through the expense to dig it up, Ben will work with him.

Commissioner Nielson asks for clarification about the ownership of the business. Gil Bowden Clarifies that no the business is not in his name at the time being. Heidi Bowden adds that the business is no longer in bankruptcy. Mr. Bowden states that, “It was in foreclosure before. On December 19<sup>th</sup> it was supposed to sale foreclosure, and on the 18<sup>th</sup> the owner filed bankruptcy which pulled it out. Now it goes back in and just due process they have to advertise it and it goes foreclosure sale.”

Commissioner Bloomer sums up: The business was in foreclosure, he filed bankruptcy, bankruptcy tied it up for whatever period of time; Now it's back to foreclosure. The trustee will re-advertise it for sale for the next 30 days.

Commissioner Nielson asks of Mr. Bowden's intent for attending Planning and Zoning. Is he there to obtain a business license now or as an informative meeting? Commissioner Bloomer asks how a business license at this time will benefit Mr. Bowden. The Bowden's respond that the purpose of their visit is to have the application approved and start the process of obtaining the business license. Mr. Bowden states, “I've got my company and I'll have everything going, but in order to get these different things in order I need this business license.” Commissioner Bloomer asks if this business license will help get some of the ground work started. Mr. Bowden responds that he didn't think the commission would be able to approve it tonight, that he thought it would take a week or two to approve the application. He also states that it is not relevant whether he receives the license tonight or in 2-3 weeks. He just applied to start the process so when the store sells he can get the store up and running immediately.

Commissioner Nielson asks if he can receive a business license for a business that is not in his name. Commissioner Bloomer answers by stating that Mr. Bowden's intent is to obtain the license now so that when the 30 days is up, there are no more hurdles to jump. Mr. Bowden responds that the application says that it can take 10-14 days depending on the approval process. Since the process could be up to 2 weeks and he is looking at only 4 weeks until opening, he wanted to ensure this was taken care of. He states, “It has not sold and the bidders on it haven't even come close to the price that needs to come out of it, so I'm pretty confident it's coming to me. But there is still a chance once I get it fixed someone else could buy it.”

Commissioner Bloomer asks when Mr. Bowden plans on starting work on the property. Mr. Bowden responds, “I'm hoping next week to get started on it with them, I just have to have the Trustee permission to go on my property.”

Commissioner Bloomer expresses how he thinks there are two ways to approach the situation. First, tonight could be left as a discussion and agree to approve the business license once the property is in the possession of Mr. Bowden. Second, we can approve this pending the ownership of the property is in Mr. Bowden's name and all inspections have been made. Tami Bennett reminds the planning commission they will not meet again until next month, which will also be Mr. Bowden's deadline. If they choose not to approve the business license tonight, it will be another month before they can approve the application. Mr. Bowden expresses he would be fine with a conditional agreement as he has the board of health, fire marshal and others waiting to perform inspections and inform him of what is needed. He also states he needs to get the permission from the trustee to fix those findings. He expresses how he has a lot of work to do before the operation starts, waiting a month to do this will only continue to prolong the opening of the business.

Commissioner Bloomer expresses how he likes that Mr. Bowden is doing this. Current tax ID numbers are discussed, and it is concluded that the federal tax ID will stay the same, but Mr. Bowden will be issued a new State ID.

Quick discussion of operational hours as well as Mr. Bowden explaining why he is choosing not to apply for the Liquor License at this time. The hassle and liability are not worth the profit. The store will be open 7 days a week from 6- midnight for the store and 24 hours for the motel. Gas pumps will be available 24-7

Commissioner Nielson expresses that we need gas and other commodities in Ferron. Commissioner Bloomer states the application looks good, his ducks are in a row, but he still needs his inspections. Bloomer says he would be willing to hold a special meeting to approve the business license once the property is in Mr. Bowden's name and the inspections have been performed. Commissioner Nielson agrees she would feel better about waiting and holding a meeting when the time comes. Commissioner Richman expresses that he feels inclined to approve the business application pending the tests, 30 day waiting period, testing and inspections.

Brief discussion about the inspections and having the approval from the City Building inspector and the Fire Marshal. Mr. Bowden expresses he would prefer the approval pending all those things are met and the ownership becomes his; if it doesn't become his, then he no longer qualifies. Commissioner Bloomer says he thinks inspections can be ordered now. Mr. Bowden responds that they can, as long as they have a legal document from the trustee, Mike Jensen, granting Mrs. Bowden permission.

Commissioner Bloomer expresses to the Bowden's his willingness to help them with what he can for them to move forward.

Mr. Seely comments about the EPA possibly coming out stating no further action is needed if the test results aren't too bad to speed the process. He doesn't know if they will, but it could happen. Mr. Bowden responds that unless they have a good reason, they would have done that last year. It has been sitting so long, they want to test and ensure things have not progressed. They asked for certain things to be done and they weren't. Mr. Seely states how he has studied this when working for the county.

Commissioner Bloomer expresses he thinks most of what is being discussed can proceed without the business license. Bloomer extends a personal promise to Mr. Bowden that as soon as he has everything ready to go, the commission will meet and do it in a timely matter.

Mr. Bowden expresses his concern of performing all this work and then being denied a business license. Both Commissioner Bloomer and Richman respond that unless there is a glitch somewhere or something major happens, they believe there should be no problems with the approval. Bloomer says he feels ecstatic about seeing something happen with the place.

Mr. Bowden states they have been fighting for 2 ½ years to obtain control of the property again. Commissioner Richman asks about the current condition and safety of the property. Mrs. Bowden says they have gone through it. Mr. Bowden states that even if conditions were not good, it is never going to change unless he becomes involved and makes the change. He says, "If we get a third party involved, it's just going to take away whatever value I have in it. So I got an interest there. The more money they spend for someone else, the less it's worth to me."

**Commissioner Neilson moves to table the application until Mr. Bowden is further along in the process; such as, inspections and the business in his name. When the criteria is met, we will hold a special meeting, if need be, to approve the business license. Commissioner Richman seconds the motion. The motion passes with Commissioner's**

**Neilson, Richman, and Bloomer voting Aye.**

Commissioner Bloomer again offers help to the Bowden's. He asks what the fee for inspections is. Tami Bennet replies there is no cost to them until the business license has been approved and paid for, then the fees are added to the business license fee.

Quick discussion about the carwash on the property still leaking water.

- 4. ZONING CLEARANCE  
MICHAEL GRANGE – GARAGE- 465 WEST COTTONWOOD LANE  
Not present

- 5. DISCUSSION OF NEW GAS PUMPS/STATION- JUSTIN SNOW

Justin is not present and stated he will wait to attend Planning and Zoning when he is closer to having things ready.

- 6. DISCUSSION OF SUBDIVION – GEORGE MARSHAL  
Not present

7. WORK SESSION

**Commissioner Nielson moves to table the discussion there is more information. Commissioner Richman seconds the motion. The motion passes unanimously.**

Brief discussion on changing the Ordinance of the Planning Commission including compensation for attending meetings, extending the terms, and changing the wording. They agree on sending their recommendations to the City Counsel.

7. ADJOURNMENT

**Commissioner Richman moved to adjourn the meeting. Commissioner Nielson seconded the motion. The motion carried with commissioners Bloomer Nielson, and Richman voting aye. The meeting adjourned at 7:49 p.m.**

ATTEST:

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Commission Chair Ronny Bloomer

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Shala Hunsaker  
Ferron City Recorder