Notice and Agenda
Brigham City Council October 1, 2026 City Council Agenda
Thursday, October 1, 2026 6:00 PM
City Council Chambers, 20 North Main
To View Live Meeting Visit:
https://www.bcutah.gov/mayor-and-city-council.htm **or**
www.youtube.com/brighamcitycorp

Thought, Reading, or Invocation

Bishop Mark Judkins, Brigham City 3rd Ward

Pledge of Allegiance

Consent Items

1. Approval of the September 17, 2026 City Council Meeting Minutes

Recognition

1. New Hires in Public Works, Museum & Library

Public Comment (Per Utah Code, Council will receive input only; no decision can be made)

Brigham City public comment is reserved for those who live in Brigham, pay taxes or own property in Brigham or can vote in Brigham City. Each individual is limited to three minutes. Total input period is limited to 15 minutes.

Council Member Comments

Action Items

1. Consideration of Ordinance Amending Brigham City Code Chapter 156 Zoning, Multiple Use, Agricultural and Rural Residential Districts - Mark Bradley
2. Consideration of Resolution approving the sale of approximately 13.53 acres of Real Property to Box Elder School District and authorizing the Mayor to execute the Real Estate Purchase Agreement and related closing documents - Derek Oyler

Discussion Item

1. Schedule upcoming work session to discuss proposed Action Item that was tabled on September 17, 2026 for a budget amendment to the FY 2026-27 budget to reflect an increase in expenditures in the Capital Projects Fund for new gym space - Derek Oyler

Closed Session

Consideration to enter a closed session to discuss: purchase/exchange/lease of real property; pending litigation; cyber security; or character/professional competence or physical/mental health of an individual.

Assigned times may vary depending on discussion length or agenda alteration. ADA Notice: Individuals needing special accommodations should contact the City Recorder at 435-734-6621 at least 48 hours before the meeting. Councilmembers may participate electronically.

Certificate of Posting

The undersigned duly appointed City Recorder certifies the above notice was posted in three public places within the Brigham City limits, and on the City and State Public Meeting Notice websites on September 24, 2026. A copy was also provided to the Box Elder News Journal.

Kristina Rasmussen, City Recorder

REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
September 17, 2026
6:00 p.m.

PRESENT:	D.J. Bott	Mayor
	Dave Jeffries	Councilmember
	Matthew Jensen	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember
ALSO PRESENT:	Nicole Cottle	City Attorney
	Kevin Garlick	Interim Power Director
	Chris Horsley	Recreation Director
	Tom Kotter	Community and Economic Development Director
	Derek Oyler	City Administrator
	Kristina Rasmussen	City Recorder
	Chad Reyes	Police Chief
EXCUSED:	Dave Hipp	Councilmember

At 6:00 PM Mayor Bott called the meeting to order. The prayer was given by Cody Rasmussen of the 20th Ward and the pledge of allegiance followed.

CONSENT ITEMS

Mayor Bott presented the Consent Agenda, consisting of three items:

1. Approval of the September 3, City Council Meeting Minutes
2. Write off utility accounts due to being sent to collections
3. Write off library accounts due to being sent to collections

MOTION: Councilmember Jeffries made a motion to approve the consent item. Councilmember Troxell seconded the motion. Motion passed unanimously.

PUBLIC HEARING

Consideration of Resolution approving an amendment to the FY 2026-27 Budget to reflect an increase in expenditures in the Capital Projects Fund

City Administrator Derek Oyler introduced the proposed amendment to the FY 2026–27 Budget related to planning and design work for a potential City-owned indoor recreation facility. He noted that the Council had discussed the need for indoor recreation space during several previous public meetings and asked Recreation Director Chris Horsley to provide an update on information gathered since the previous discussion.

Mr. Horsley reported that staff had continued evaluating the City's need for reliable indoor recreation space and had met with community partners, including Box Elder High School and the Boys and Girls Club. He explained that Box Elder High School had added five sports during the past five years. Because several of those sports include varsity and sub-varsity teams, the actual impact on available gym space was considerably greater than the number of new sports alone would suggest. The High School's partnership with the Junior Jazz Bantam League had also increased demand for its facilities.

Mr. Horsley said the information helped explain the reduction in gym hours available to City recreation programs. Staff had also continued receiving inquiries from residents interested in programs the City had previously offered, including adult men's basketball. He summarized the primary challenges facing City recreation programs as:

- **Accessibility** – available gym space continues to be limited.
- **Reliability and consistency** – the City cannot guarantee regular programming when relying on facilities owned by other organizations.
- **Sustainability and growth** – community partners have their own growing programs and facility needs, limiting the City's ability to expand recreation opportunities.

Mr. Horsley explained that staff continued working with community partners rather than relying solely on a new facility. Box Elder High School was considering whether it could provide the City with one consistent night each week, although the specific gym might change. The Boys and Girls Club was unable to accommodate the City's request for three nights per week but indicated that two nights could be made available. While those partnerships were helpful, Mr. Horsley stated that they did not fully resolve the City's long-term issues with access and consistency.

Recreation staff also visited several recreation facilities along the Wasatch Front to determine whether there were amenities or design options that had not previously been considered. Mr. Horsley said staff found that the Farmington City gymnasium, a three-court City-owned facility rather than a full recreation center, provided a useful model for Brigham City's needs.

Based on that review, staff revised the concept previously presented to the Council. The revised proposal would be constructed as an addition to the existing Recreation offices at Pioneer Park and would include:

- Approximately 26,500 square feet;
- Three multi-use courts;
- Retractable bleachers; and
- A ground-level perimeter area that could be used for indoor walking when the bleachers were retracted, with approximately ten laps equaling one mile.

Mr. Horsley reported that VCBO Architecture, which designed the Farmington facility and other recreation facilities along the Wasatch Front, estimated that a facility of this general size and type could cost approximately $10–12 million.

City Administrator Oyler then reviewed the purpose of the proposed budget amendment. He reminded the Council that during its previous discussion, staff had been directed to further develop the concepts and return with bids. As staff began preparing to do so, they determined that conceptual engineering plans would not provide enough detail to obtain dependable construction bids. A complete architectural and engineering plan set would establish details such as flooring, finishes, electrical locations, and other construction specifications, allowing contractors to provide more accurate bids and reducing the potential for significant change orders.

Mr. Oyler explained that the proposed amendment would provide approximately $500,000 for architectural and engineering services. The amount was an estimate based on the anticipated construction cost because professional design fees for projects of this type are generally calculated as a percentage of construction costs. He noted that if the ultimate project cost were lower, the design cost would also likely be lower, while a higher construction cost could result in a higher design cost.

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Mr. Oyler also addressed questions he had received from Councilmembers regarding procurement and project timing. He explained that professional services are treated differently under the City's procurement policy and State procurement requirements and are not necessarily selected based solely on price. Staff could conduct an RFP process if directed by the Council; however, determining a firm design price was difficult before the project's construction cost was known.

Regarding the anticipated timeline, Mr. Oyler estimated:

- Approximately four to six months to complete architectural and engineering work;
- Additional time to advertise and receive construction bids; and
- A future Council decision regarding whether to construct the facility likely occurring during the FY 2027–28 budget process, with construction potentially beginning the following summer if the project were ultimately approved.

Mr. Oyler emphasized that approval of the budget amendment would not authorize construction of the recreation facility. The purpose was to obtain complete plans and reliable construction bids so the Council could later consider the project's actual cost before deciding whether to proceed.

A Councilmember asked whether the proposed budget amendment would affect any other capital projects already approved in the FY 2026–27 Budget. Mr. Oyler responded that it would not. He clarified that the recreation facility itself was not currently budgeted and that the proposed design funding would come from appropriated fund balance previously identified as available for this potential project.

> **MOTION**: Councilmember Troxell made a motion to open the public hearing regarding the proposed FY 2026–27 Budget amendment to increase expenditures in the Capital Projects Fund. Councilmember Jensen seconded the motion. The motion passed unanimously.

Sheila Hassett asked whether the proposed gymnasium had already been approved and was advised that the current consideration was for planning and design work, not construction. Ms. Hassett opposed the gymnasium concept and encouraged the City to instead consider a broader community center serving residents of all ages. She referenced the previous recreation center proposal and the limited space available at the existing Community/Senior Center, stating that a more comprehensive facility could serve both students and the general public.

Marcy Andrews questioned whether sufficient information had been provided to justify a potential $10–12 million facility and approximately $500,000 in design costs. She requested more specific data regarding anticipated facility usage, the six recreation programs reportedly discontinued due to lack of space, the number of community requests for additional recreation space, and the impact of newly added Box Elder High School sports on gym availability. Ms. Andrews referenced the previous recreation center proposal rejected by voters and stated that additional information should be provided before significant City funds were committed.

Malone Molgard opposed the proposed gymnasium, stating that he viewed it as a community "want" rather than an essential City "need." He emphasized that the financial impact would extend beyond the estimated $10–12 million construction cost to include staffing, maintenance, equipment, and ongoing operations. Referencing Farmington City's recreation expenses, he expressed concern that the facility could require continued subsidies from City revenues and potentially result in additional costs to taxpayers.

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Brett Reeder stated that although he enjoys sports and would like additional gym space, he did not believe the current economic climate was the appropriate time for such a significant City investment. He questioned whether enough residents would use the facility to justify the cost and expressed concern about placing that expense on taxpayers who may already be struggling financially. Mr. Reeder encouraged the City to seek private donations, business support, and other funding partnerships while also considering the facility's long-term operating and maintenance costs.

Donovan Malone expressed concern that information previously requested regarding the project had not been readily available and questioned prioritizing a gymnasium when the City had identified substantial infrastructure needs. While supportive of additional gym space, he opposed relying solely on taxpayer funding and encouraged partnerships with the School District, community organizations, and private or corporate contributors. He also suggested considering existing facilities or locating a future gymnasium near the natatorium and expressed concern about spending approximately $500,000 on design work before further exploring those alternatives.

Julianne Larson acknowledged that a gymnasium could benefit some residents but questioned spending approximately $500,000 on design services without knowing how construction and ongoing costs would ultimately be funded. She expressed concern about the impact on residents already experiencing increased utility costs and questioned whether available resources should instead support infrastructure needs such as water and road improvements. Ms. Larson also encouraged greater public involvement and clarity regarding funding before the project moved forward.

Glen Wright stated that he was not opposed to additional gym space but questioned whether sufficient programming and demand had been demonstrated to justify the proposed facility. He raised concerns about the Recreation Department's current programming and operations and questioned whether Box Elder High School, Junior Jazz, or other organizations contributing to the demand for gym space would participate financially. Mr. Wright encouraged the City to more fully evaluate existing and future recreation needs before making a significant investment.

Wendy Kano encouraged the City to evaluate all existing gymnasium space in Brigham City and surrounding communities before constructing a new facility. She referenced courts at local schools, the Boys and Girls Club, and other community facilities and suggested pursuing additional partnerships. Ms. Kano stated that recreation programs could potentially operate at multiple locations rather than requiring one centralized facility.

Anna Marie Hall stated that her family actively participates in and coaches City recreation programs and clarified that she was neither for nor against the proposed gymnasium. She encouraged the City to pursue a collaborative approach involving grants, private and charitable contributions, service organizations, Box Elder County, the School District, and surrounding communities. Referencing successful partnerships she had experienced locally and the Weber County Ice Sheet as a regional example, Ms. Hall stated that sharing the cost and responsibility could increase community support and reduce the financial burden on Brigham City residents.

Layne Christensen, in written comments, expressed support for additional City-owned gym space and encouraged development of a broader fitness facility that could include basketball and volleyball courts, weightlifting space, and rooms for instructional classes. He stated that he would like to see a facility of this type available in Brigham City and Box Elder County.

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MOTION: Councilmember Troxell made a motion to close the public hearing regarding the proposed FY 2026–27 Budget amendment to increase expenditures in the Capital Projects Fund. Councilmember Jeffries seconded the motion. The motion passed unanimously.

Following the public comments, the Council discussed the proposed $500,000 budget amendment and several of the concerns raised during the hearing. Councilmembers acknowledged that the estimated design cost was significant and discussed whether it could be reduced. Staff explained that approximately 80% of the architectural fee would be associated with preparing the detailed plans and bid package necessary to obtain reliable construction bids, with the remaining portion generally associated with construction oversight. City Administrator Derek Oyler emphasized that completing detailed plans upfront would help establish a more accurate project cost and reduce the risk of substantial change orders later.

Councilmembers also discussed the broader need for indoor recreation space, noting that the proposed facility could accommodate more than basketball, including walking and other recreation programs. Discussion included past adult volleyball and basketball programs, limited practice time for youth programs, increasing demand on existing facilities, and the value of providing affordable recreation opportunities for families.

The Council and staff addressed several additional issues raised during public comment:

- **Funding:** Mr. Oyler clarified that the funds identified for the project were unrestricted General Fund monies. Although the Council could transfer General Fund money to a utility fund, he explained that utility infrastructure is typically funded through the respective utility funds.
- **Partnerships and donations:** Staff stated that discussions with private businesses and potential contributors were already occurring but that details were not yet appropriate for public release. Staff also noted that potential donors had requested more specific information regarding the size and cost of the proposed facility before determining possible contributions.
- **Existing facilities:** The Mayor and staff discussed previous efforts to identify other available gym space, including schools, surrounding communities, and religious facilities. They stated that availability had become increasingly limited and that the City expected to continue using school and Boys and Girls Club facilities even if a City gymnasium were eventually constructed.
- **Public information:** Councilmembers discussed providing additional opportunities for residents to ask questions, including possible work sessions or a town hall-style meeting, and creating a centralized location on the City's website with project information and answers to frequently asked questions.

Councilmember Jeffries stated that he supported the need for additional gym space but could not support the proposed amendment at that time because the $500,000 expenditure had not been included in the recently adopted budget. He indicated that he would prefer the expense be considered through a future budget process and also supported exploring partnerships with other organizations.

Councilmember Smith expressed concern about making an immediate decision following the questions raised during the public hearing. He suggested that the Council could table the item and hold additional work sessions to provide more information and allow for further public discussion before deciding whether to fund the design work.

Councilmember Troxell discussed the history of City recreation programs and the difficulty of providing programs as access to facilities has declined. She supported continuing to explore the facility and emphasized the community value of recreation, parks, senior services, the library, and other public

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amenities. She also supported pursuing grants, private contributions, and partnerships so the project would not fall entirely on taxpayers.

The Mayor noted that the City had discussed the issue during several previous public meetings and had pursued conversations with surrounding communities, schools, and other potential partners. He also emphasized the importance of maintaining a respectful environment where residents with differing views felt comfortable participating. Staff reported that public feedback received through the City's online contact form during the week had included both perspectives, with most of those submissions supporting moving forward with the planning process.

Mr. Oyler reiterated that the purpose of obtaining architectural plans was to establish an accurate construction cost for consideration during the next budget process. He stated that if the Council intended to continue evaluating the project, detailed plans were necessary before the City could solicit meaningful construction bids.

Motion: Councilmember Smith moved to table the item for approximately 60 days, until mid-November, to allow for additional discussion and work sessions with the public before considering the proposed budget amendment. The motion failed for lack of a second.

Motion: Following additional discussion regarding whether the design cost could be reduced, Councilmember Jeffries moved to deny the resolution amending the FY 2026–27 Budget to increase expenditures in the Capital Projects Fund. Councilmember Smith seconded the motion.

Roll Call: Councilmember Jeffries – aye; Councilmember Troxell – nay; Councilmember Smith – aye; Councilmember Jensen – nay; Mayor Bott – nay

The proposed budget amendment was denied.

Motion: Councilmember Jensen moved to table the proposed FY 2026–27 Budget amendment for 60 days and hold at least two work sessions to allow for additional discussion and public feedback. The work sessions would provide an opportunity to review the need for the proposed gymnasium, answer questions raised by residents, discuss potential partnerships and funding options, and provide more accessible information regarding the project and the proposed design process. Councilmember Smith seconded the motion.

Roll Call: Councilmember Jeffries – nay; Councilmember Troxell – aye; Councilmember Smith – aye; Councilmember Jensen – aye

PUBLIC COMMENT

Brett Reeder thanked the Mayor and Councilmembers for the time and consideration involved in making difficult decisions. Regarding the proposed gymnasium, he acknowledged that there is a lack of available gym space and stated that he regularly receives requests from individuals wanting to use his gym.

Mr. Reeder encouraged the City to consider the types of activities the facility is intended to accommodate when selecting flooring, noting that a traditional wood gym floor may not be suitable for sports such as lacrosse, soccer, and softball that also need indoor winter practice space. He also encouraged coordination with the School District to avoid duplicating future facilities and to ensure that

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any City and School District projects complement one another and address the community's different recreation needs.

Marcy Andrews reiterated her opposition to the proposed expenditure, stating that she felt the process was being rushed and that a gymnasium was a desire rather than an essential City need. She questioned spending approximately $500,000 on design work, particularly given the Council's recent budget discussions regarding funding for a City Attorney, and encouraged the Council not to approve the expenditure.

Anna Marie Hall raised concerns about gaps in sidewalks and safe pedestrian routes throughout the City, particularly near schools. She noted that inconsistent sidewalks can require children to cross streets unnecessarily and expressed concern about students walking to school during darker winter mornings. She encouraged the City to explore improvements, grants, and other opportunities to provide safer and more continuous walking routes for children traveling to schools, parks, and other community destinations.

Glenn Wright expressed appreciation for City employees and their work during Peach Days. As a resident living near the center of the festivities, he stated that he is continually impressed by how quickly the area is cleaned and restored following the event. He asked that his gratitude be shared with City employees for their efforts.

COUNCILMEMBER COMMENTS

Councilmember Smith thanked everyone who attended Peach Days and commented that it was another successful festival. Referring to the evening's discussion regarding community needs and priorities, he thanked residents for attending the meeting and sharing their opinions. He encouraged them to participate in the upcoming work sessions so the Council and community could continue the discussion.

Councilmember Troxell expressed appreciation to the Chamber of Commerce, City employees, and community members for another successful Peach Days and recognized the cleanup efforts following the event. She reported attending several meetings during the week, including:

- The Library Board meeting, which included trustee training and training on the City's new CivicPlus system. She encouraged residents to visit the Library's website for information on reading groups, classes, and upcoming activities.

- The BRAG Human Services Board meeting, where discussion focused on increasing demand for services in Box Elder County despite reduced funding and local access. She noted that BRAG was exploring opportunities to provide additional staff and services in Brigham City and also encouraged residents interested in volunteering with BRAG's tax preparation program to contact the organization for training.

- The Coalition Against Domestic Violence meeting, which included a presentation from Alyssa Butler with the Hope Hero Foundation regarding youth mental health awareness and recognizing signs of a potential mental health crisis.

She also announced a Resource Rally at the Boys and Girls Club from 2:00–4:00 p.m. on October 2, where food boxes, hygiene supplies, and community resources would be available. A domestic violence awareness walk would also be held that evening at 5:00 p.m. at Jeanie Stevens Park in Tremonton/Garland.

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Councilmember Jeffries thanked Police Chief Reyes, the Police and Fire Departments, and Public Works employees for their work during Peach Days. He specifically recognized the cleanup efforts and commented on how quickly the City was restored following the event.

Mayor Bott reported that he had missed the previous Council meeting because he traveled to tour Holtec International, a nuclear manufacturing company that has been working with HITECH Solutions. He referenced the recently approved MOU between Brigham City, Utah State University, and HITECH for development of a research, manufacturing, and nuclear workforce training campus near the USU Brigham City campus.

Mayor Bott stated that the visit provided an opportunity to tour Holtec's manufacturing operations and continue building relationships with company representatives. He reported that Holtec was considering future expansion in the western United States, including potential manufacturing operations in Brigham City, and described the possibility as an opportunity for significant manufacturing space and high-paying employment. He expressed appreciation for the opportunity to learn more about the company and its operations and looked forward to continued discussions.

At 8:00 PM Councilmember Jensen made a motion to enter a closed session to discuss the purchase, exchange, or lease of real property. Councilmember Smith seconded the motion.

Roll Call:
Councilmember Troxell– Aye; Councilmember Smith – Aye; Councilmember Jensen – Aye; Councilmember Jeffries – Aye

At 9:27 PM Council came back into regular session. Councilmember Jensen made a motion to adjourn. Councilmember Jeffries seconded the motion. Motion passed unanimously.

The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the September 17, 2026 City Council Meeting.

Dated this 5th of October, 2026.

_____
Kristina Rasmussen, City Recorder

** These meeting minutes were generated with the assistance of artificial intelligence and have been reviewed, edited and approved by Brigham City Staff.

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Brigham City
Agenda Item for City Council October 1, 2026 City Council Agenda

1. Initiated By:

Angie Johnsen, Human Resources

2. Department or Division:

Administration

3. Date Initiated:

September 2, 2026

4. Brief Explanation of Proposed Action (Attach Other Documentation as Necessary):

Abbie Hardy - Cemetery Equipment Operator/Grounds Maintenance
Lindsey Young - Museum Aide
Oakly Dalebout- English Learning Language Teacher
Tiffanee Hauptman - Activities Coordinator
Nash Christensen- Cemetery Equipment Operator/Grounds Maintenance

5. Estimated Time Needed:

1 min

6. Proposed Date for Council Action:

October 1, 2026

7. Explanation of Deadline, If Applicable:

8. Review:
09/22/2026

Brigham City
Agenda Item for City Council October 1, 2026 City Council Agenda

1. Initiated By:

Mark Bradley, City Planner

2. Department or Division:

Community and Economic Development

3. Date Initiated:

September 16, 2026

4. Brief Explanation of Proposed Action (Attach Other Documentation as Necessary):

Consideration of Ordinance Amending Brigham City Code Chapter 156 Zoning, Multiple Use, Agricultural and Rural Residential Districts. Modify Use Categories and Use Types. - Mark Bradley

5. Estimated Time Needed:

10 minutes

6. Proposed Date for Council Action:

October 1, 2026

7. Explanation of Deadline, If Applicable:

8. Review:

Tom Kotter, ComDev Director	09/17/2026
Nicole Cottle, Attorney	09/21/2026
Derek Oyler, City Administrator	09/21/2026
Dennis J Bott, Mayor	09/22/2026

MEMORANDUM

To: Mayor Bott, City Council Members

From: Mark Bradley, City Planner

Subject: Amend Brigham City Code, Chapter 156 Zoning, Multiple Use, Agricultural and Rural Residential Districts to modify use categories and use types. (Application #26-081)

Date: September 16, 2026

City Council Agenda:
October 1, 2026

Overview:
The City is in the process of updating Chapter 156 Zoning. There are several use categories that are obsolete, outdated, or belong in other districts. Additionally, certain use types are being changed to reflect the appropriate use type and to reduce the number of conditional uses.

Planning Commission Recommendation:
The Planning Commission held a public hearing on September 15, 2026, and recommended approval to the City Council (7-0 vote) based on staff comments, recommendations, stipulations, and the noted findings of fact in the Staff Evaluation.

Attachments:
1. Staff Evaluation dated September 10, 2026
2. Planning Commission Recommendation
3. Prepared Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING BRIGHAM CITY CODE TITLE XV LAND USAGE, CHAPTER 156 ZONING MULTIPLE USE, AGRICUTURAL AND RURAL RESIDENTIAL DISTRICTS

WHEREAS, Brigham City is in the process of updating Chapter 156 Zoning; and

WHEREAS, use categories and use type in the Multiple Use, Agricultural and Rural Residential Districts require an update to reflect the appropriate use type, reduce the number of conditional uses, and remove certain use categories; and

WHEREAS, following necessary public notice and public hearing, the Brigham City Planning Commission considered the proposed amendment and recommends its approval to the City Council; and

WHEREAS, the City Council finds it necessary to modify the use categories and use types in the Multiple Use, Agricultural and Rural Residential Districts.

NOW, THEREFORE, be it ordained by the City Council of Brigham City, Utah:

SECTION 1: Brigham City Code Title XV Land Usage, Chapter 156 Zoning is hereby amended as noted in Exhibit "A", attached hereto and made a part by reference. All other sections and provisions existing in Chapter 156 Zoning shall remain as currently written.

SECTION 2. This Ordinance shall become effective upon publication and posting as required by law.

PASSED AND ADOPTED by the City Council of Brigham City, Utah this ___ day of _____, 2026.

_____
Mayor Dennis J. Bott

Attest:

_____
City Recorder

Exhibit “A”

MULTIPLE USE, AGRICULTURAL AND RESIDENTIAL DISTRICTS

§ 156.087 CODES AND SYMBOLS.

In following the sections of this chapter, uses of land or buildings which are allowed in the various districts are shown as “permitted uses”, indicated by a “P” in the appropriate column, or as “conditional uses”, indicated by a “C” in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by an “N”. If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter “A”. If the regulation does not apply, it is indicated in the appropriate column by a dash, “-”.

§ 156.088 USES.

(A) No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural or rural residential districts, except as provided in this chapter.

(B) (1) In the absence of a specific approval from the Planning Commission to the contrary, public service structures shall be subject to yard area requirements and setbacks.

(2) The Planning Commission may allow public service structures to be located within the required yard areas specified in this subchapter upon the following findings:

(a) The public service structure is needed for the efficient delivery of public services to the subject property;

(b) Location of the public service structure in the required yard area will be beneficial to the subject property and will not result in undue public safety, aesthetic or functional impacts on the subject property or surrounding properties;

(c) The public service structure is integrated functionally and aesthetically into the overall design of the site; and

(d) Location of the public service structure outside of the required yard area would be impossible or impractical due to functional considerations or because of site specific limitations.

§ 156.089 USES NOT LISTED.

The Planning Commission shall have the authority to identify and categorize unlisted uses within the listed permitted or conditional uses of this chapter, based on a finding of substantial similarity of character, origin and impact and the like, to a listed use, and when so categorized such use shall thereafter be recognized and treated the same as a listed use.

	MU-40	MU-80	MU-160	A-1	A-5	A-20	RR-1	RR-5
Accessory buildings with an area less than or equal to 2 times the area of the primary structure main floor and attached garage, which are customarily incidental to the permitted use, but in no case shall the accessory buildings combined area be larger than 5,500 square feet	P	P	P	P	P	P	P	P
Accessory dwelling unit, subject to standards in §§ 156.335 through 156.360 of this chapter	P	P	P	P	P	P	P	P
Agriculture, grazing, housing, corralling and pasturing of animals	P	P	P	P	P	P	P	P
Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises	P	P	P	P	P	P	P	P
Nursery or green house, wholesale or retail	P	P	P	P	P	P	P	P
Tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P	P	P	P
Farms devoted to raising and marketing live chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale and retail sales	N	N	N	N	P	P	N	N
Apiary (bee keeping)	P	P	P	P	P	P	P	P
Aviary	P	P	P	P	P	P	P	P
Bed and breakfast facility subject to the conditions outlined in §§ 156.335 through 156.360 of this chapter	C	C	C	C	C	C	C	C
Cannabis production establishment	N	N	N	N	P	P	N	N
Cluster subdivision of single-family dwellings, subject to §§ 155.120 through 155.128 of this code of ordinances	N	N	N	P	P	P	P	P
Home occupation	C	C	C	C	C	C	C	C
Household pets	P	P	P	P	P	P	P	P
Kennel (parcel must be 1 acre or larger)	N	N	N	P	P	P	P	P
Licensed family group child care provider/residential certificate child care provider	C	C	C	C	C	C	C	C

Medical cannabis pharmacy	P	P	P	P	P	P	N	N
Private stables, horses for private use of persons residing or not residing on the premises	P	P	P	P	P	P	P	P
Protective housing facility	N	N	N	N	N	N	N	N
Public parks	P	P	P	P	P	P	P	P
Residential facility for elderly persons	P	P	P	P	P	P	P	P
Residential facility for persons with a disability	P	P	P	P	P	P	P	P
Single-family dwellings	N	N	N	P	P	P	P	P
Solar power generation facility as set forth in Chapter 50 Electricity. Roof-mounted solar array only. The total surface area of the solar array shall not exceed the surface area of the roof upon which it is mounted and shall not exceed the height limits of the applicable zoning district.	P	P	P	P	P	P	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which building must be removed upon completion or abandonment of the construction work	P	P	P	P	P	P	P	P
Veterinary clinic, animal hospital	N	N	N	N	P	P	N	P

BRIGHAM CITY, UTAH
PLANNING COMMISSION
STAFF EVALUATION

APPLICANT: Brigham City Corporation
PROPERTY OWNER: N/A
PROPERTY ADDRESS: N/A
PARCEL NO: N/A

APPLICATION NO.: 26-081
PARCEL AREA: N/A
DISTRICTS: MU, AG, & RR
DATE: September 10, 2026

PLANNING COMMISSION MEETING: September 15, 2026
APPLICATION TYPE: Legislative
PLANNING COMMISSION ROLE: Recommending Body to City Council

NATURE OF REQUEST:
Amend Brigham City Code, Chapter 156 Zoning, Multiple Use, Agricultural and Rural Residential Districts to modify use categories and use types.

OVERVIEW:
The City is in the process of updating Chapter 156 Zoning. There are several use categories that are obsolete, outdated, or belong in other districts. Additionally, certain use types are being changed to reflect the appropriate use type and to reduce the number of conditional uses.

See attached draft amendment. The red strikethrough text is proposed to be removed/deleted. The red underlined text is the proposed new language.

STAFF COMMENTS:

Community & Economic Development Department:
1. Support amendment

Engineering Department:
1. We support any comments provided by Public Power, Public Works and Community Development.
2. Following our review, we have no additional engineering comments regarding the Zoning Amendment.

Fire Department:
1. No comments

Police Department:
1. No comments

Public Power Department:
1. No comments

Public Works Department:
(Culinary Water, Street, and Wastewater Treatment/ Storm Drain Divisions)
1. No comments

PLANNING COMMISSION RESPONSIBILITY:

1. The Planning Commission is the recommending body for this application.
2. The Planning Commission holds the required public hearing.
3. The Planning Commission considers the proposed amendment.
4. The Planning Commission recommends approval, approval with modification, disapproval, or request additional information to make a recommendation to the City Council.

STAFF RECOMMENDATIONS:

1. Support the proposed amendment.

STIPULATIONS:

1. A final legal review by the City Attorney.

FINDINGS OF FACT:

1. The proposed city code amendment was initiated by Brigham City.
2. Brigham City is in the process of updating the City Code.
3. The amendment is to modify use categories and use types in Chapter 156 Zoning for Multiple Use, Agricultural and Rural Residential Districts.
4. There are several use categories that are obsolete, outdated, or belong in other districts.
5. Certain use types are being changed to reflect the appropriate use type and to reduce the number of conditional uses.

ATTACHMENTS:

1. Draft City Code Amendment – Multiple Use, Agricultural and Rural Residential Districts, Sections 156.087 to 156.089

MULTIPLE USE, AGRICULTURAL AND RESIDENTIAL DISTRICTS

§ 156.087 CODES AND SYMBOLS.

In following the sections of this chapter, uses of land or buildings which are allowed in the various districts are shown as "permitted uses", indicated by a "P" in the appropriate column, or as "conditional uses", indicated by a "C" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by an "N". If a regulation applies in a given district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter "A". If the regulation does not apply, it is indicated in the appropriate column by a dash, "-".

§ 156.088 USES.

(A) No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the multiple use, agricultural or rural residential districts, except as provided in this chapter.

(B) (1) In the absence of a specific approval from the Planning Commission to the contrary, public service structures shall be subject to yard area requirements and setbacks.

(2) The Planning Commission may allow public service structures to be located within the required yard areas specified in this subchapter upon the following findings:

(a) The public service structure is needed for the efficient delivery of public services to the subject property;

(b) Location of the public service structure in the required yard area will be beneficial to the subject property and will not result in undue public safety, aesthetic or functional impacts on the subject property or surrounding properties;

(c) The public service structure is integrated functionally and aesthetically into the overall design of the site; and

(d) Location of the public service structure outside of the required yard area would be impossible or impractical due to functional considerations or because of site specific limitations.

§ 156.089 USES NOT LISTED.

The Planning Commission shall have the authority to identify and categorize unlisted uses within the listed permitted or conditional uses of this chapter, based on a finding of

substantial similarity of character, origin and impact and the like, to a listed use, and when so categorized such use shall thereafter be recognized and treated the same as a listed use.

	MU-40	MU-80	MU-160	A-1	A-5	A-20	RR-1	RR-5
Accessory buildings with an area less than or equal to 2 times the area of the primary structure main floor and attached garage, which are customarily incidental to the permitted use, but in no case shall the accessory buildings combined area be larger than 5,500 square feet	P	P	P	P	P	P	P	P
~~Accessory buildings with an area less than or equal to 2 times the area of the primary structure main floor and attached garage, which are customarily incidental to the conditional use, but in no case shall the accessory buildings combined area be larger than 5,500 square feet~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
Accessory dwelling unit, subject to standards in §§ 156.335 through 156.360 of this chapter	P	P	P	P	P	P	P	P
~~Adult day care facility~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~
~~Agriculture and forestry~~								
Agriculture, grazing, housing, corralling and pasturing of animals	P	P	P	P	P	P	P	P
~~Agriculture, business or industry~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~N~~	~~N~~
Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises	P	P	P	P	P	P	P	P
Nursery or green house, wholesale or retail	P	P	P	P	P	P	P	P
Tilling of the soil, the raising of crops, horticulture and gardening	P	P	P	P	P	P	P	P
Farms devoted to raising and marketing live chickens, turkeys or other fowl or poultry, fish or frogs, including wholesale and retail sales	~~C~~N	~~C~~N	~~C~~N	N	~~C~~P	~~C~~P	N	N
~~Forestry, except forest industry~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~

~~Forest industry, such as a sawmill, wood products, plant or others~~	~~C~~	~~C~~	~~C~~	~~N~~	~~N~~	~~C~~	~~N~~	~~N~~
Apiary (bee keeping)	P	P	P	P	P	P	P	P
~~Assisted living center~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~P~~	~~P~~
Aviary	P	P	P	P	P	P	P	P
Bed and breakfast facility subject to the conditions outlined in §§ 156.335 through 156.360 of this chapter	C	C	C	C	C	C	C	C
~~Boarding house~~	~~N~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~	~~N~~	~~C~~
Cannabis production establishment	N	N	N	N	P	P	N	N
Cluster subdivision of single-family dwellings, subject to §§ 155.120 through 155.128 of this code of ordinances	N	N	N	P	P	P	P	P
~~Dude ranch, family vacation ranch~~	~~C~~	~~C~~	~~C~~	~~N~~	~~C~~	~~C~~	~~N~~	~~C~~
~~Educational Institution~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
~~Educational institution with housing~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
Home occupation	C	C	C	C	C	C	C	C
~~Homeless shelter~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~
~~Hospital~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
Household pets	P	P	P	P	P	P	P	P
Kennel (parcel must be 1 acre or larger)	N	N	N	~~C~~P	~~C~~P	~~C~~P	~~C~~P	~~C~~P
Licensed family group child care provider/residential certificate child care provider	C	C	C	C	C	C	C	C
Medical cannabis pharmacy	P	P	P	P	P	P	N	N
~~Mine, quarry, gravel pit, rock crusher, concrete batching plant or asphalt plant, oil wells or steam well~~	~~C~~	~~C~~	~~C~~	~~N~~	~~C~~	~~N~~	~~N~~	~~N~~
~~Nursing home~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~
~~Power generation (non-solar)~~	~~C~~	~~C~~	~~C~~	~~N~~	~~C~~	~~C~~	~~N~~	~~C~~
~~Power generation (solar)~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Private park or recreational grounds or private recreational camp or resort, including accessory or supporting dwellings or dwelling complexes and commercial service uses which are owned or managed by the recreational facility to which it is accessory~~	~~C~~	~~C~~	~~C~~	~~N~~	~~C~~	~~C~~	~~N~~	~~N~~

Private stables, horses for private use of persons residing or not residing on the premises	P	P	P	P	P	P	P	P
Protective housing facility	N	N	N	~~P~~N	~~P~~N	~~P~~N	~~P~~N	~~P~~N
~~Public use, quasi-public use, essential services, including private school, with a curriculum corresponding to a public school, church; dams and reservoirs; radio and television transmitting stations or towers, cemetery~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
Public parks	P	P	P	P	P	P	P	P
~~Rehabilitation/treatment facility~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
Residential facility for elderly persons	P	P	P	P	P	P	P	P
Residential facility for persons with a disability	P	P	P	P	P	P	P	P
~~Sheltered workshop~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
~~Signs, the type, size, height, location and other standards and requirements for signs shall be in accordance with the regulations set forth in §§ 156.480 through 156.491 of this chapter~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~
Single-family dwellings	~~P~~N	~~P~~N	~~P~~N	P	P	P	P	P
Solar power generation facility as set forth in Chapter 50 Electricity. Roof-mounted solar array only. The total surface area of the solar array shall not exceed the surface area of the roof upon which it is mounted and shall not exceed the height limits of the applicable zoning district.	P	P	P	P	P	P	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which building must be removed upon completion or abandonment of the construction work	P	P	P	P	P	P	P	P
~~Trade or vocational school~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
~~Transitional housing facility~~	~~N~~	~~N~~	~~N~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
Veterinary clinic, animal hospital	N	N	N	~~C~~N	P	P	N	~~C~~P

Brigham City
Agenda Item for City Council October 1, 2026 City Council Agenda

1. Initiated By:

Jeff Schmitt, Finance Director

2. Department or Division:

Administration

3. Date Initiated:

September 22, 2026

4. Brief Explanation of Proposed Action (Attach Other Documentation as Necessary):

Consideration of Resolution approving the sale of approximately 13.53 acres of Real Property to Box Elder School District and authorizing the Mayor to execute the Real Estate Purchase Agreement and related closing documents - Derek Oyler

5. Estimated Time Needed:

5 Minutes

6. Proposed Date for Council Action:

October 1, 2026

7. Explanation of Deadline, If Applicable:

8. Review:

Jeff Schmitt, Finance Director	09/23/2026
Nicole Cottle, Attorney	09/23/2026
Derek Oyler, City Administrator	09/23/2026
Dennis J Bott, Mayor	09/23/2026

BRIGHAM CITY CORPORATION
RESOLUTION NO. _____

A RESOLUTION APPROVING THE SALE OF APPROXIMATELY 13.53 ACRES OF REAL PROPERTY TO BOX ELDER SCHOOL DISTRICT AND AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE PURCHASE AGREEMENT AND RELATED CLOSING DOCUMENTS.

WHEREAS, Brigham City Corporation (the "City") is the owner of real property commonly known as Parcel Number 03-114-0024, located in Brigham City, Box Elder County, Utah; and

WHEREAS, the City desires to sell to Box Elder School District (the "District") approximately 13.53 acres of the parcel, as more particularly described in Exhibit A to the Real Estate Purchase Agreement (the "Property"), with the Property to be appropriately subdivided by the City prior to Closing; and

WHEREAS, the City and the District have negotiated a Real Estate Purchase Agreement (the "Agreement") providing for the sale of the Property by the City to the District for a purchase price of One Million Five Hundred Twenty-Eight Thousand Eight Hundred Ninety Dollars ($1,528,890), subject to the terms and conditions set forth in the Agreement; and

WHEREAS, the Agreement provides that the transaction will close on or before November 15, 2026, or on such other date as may be mutually agreed to by the parties in writing, and that title to the Property will be conveyed by warranty deed; and

WHEREAS, the City Council has reviewed the Agreement and finds that the sale of the Property to the District on the terms set forth in the Agreement is in the best interests of Brigham City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BRIGHAM CITY, UTAH, as follows:

Approval of Sale. The City Council hereby approves the sale and conveyance of approximately 13.53 acres of real property described in the Agreement to Box Elder School District for the purchase price of $1,528,890 and upon the terms and conditions set forth in the Agreement.

Authorization. The Mayor is hereby authorized and directed to execute the Agreement on behalf of Brigham City Corporation and, following satisfaction of the conditions to Closing, to execute and deliver the warranty deed and any closing statements, subdivision documents, certificates, affidavits, or other documents reasonably necessary to complete and effectuate the transaction contemplated by the Agreement.

Effective Date. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED by the Brigham City Council this _____ day of _____, 2026.

BRIGHAM CITY CORPORATION

By: _____
Dennis J. Bott, Mayor

ATTEST:

_____
Kristina Rasmussen, City Recorder

REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT (this "Agreement") is entered into the _____ day of _____, 2026 (the "Effective Date"), by and between BOX ELDER SCHOOL DISTRICT ("Purchaser"), and BRIGHAM CITY CORPORATION, a political subdivision of the State of Utah ("Seller"). Seller and Purchaser may be referred to hereinafter each individually as a "Party," and together as the "Parties."

RECITALS

Seller is the owner of a parcel of property commonly known as Parcel Number 03-114-0024 located in Brigham City, Box Elder County Utah as more particularly described below.

Seller is willing to sell Property to Purchaser and Purchaser desires to purchase the Property on the terms and conditions set forth in this Agreement.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the premises and covenants set forth herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. **PURCHASE AND SALE.** Seller agrees to sell and convey, and Purchaser hereby agrees to purchase for the price and subject to the terms, covenants, conditions and provisions of this Agreement, approximately 13.53 acres of property specifically described in Exhibit A which Property shall be appropriately subdivided by Seller prior to Closing (the "Property"):

2. **PURCHASE PRICE.** The purchase price for the Property shall be One Million Five Hundred Twenty Eight Thousand Eight Hundred and Ninety Eight Dollars ($1,528,890) (the "Purchase Price").

3. **CONVEYANCE OF TITLE.** Title to the Property shall be transferred by Seller executing and delivering at Closing a warranty deed substantially in the form attached hereto (the "Warranty Deed"), conveying title to the Purchaser subject to: (i) covenants, conditions, restrictions, easements, rights-of-way, and other matters of sight or record; (ii) mortgages, trust deeds, and other encumbrances or liens created by or resulting from acts or omissions of Purchaser; (iii) taxes and governmental assessments for the current year, not yet due and payable as of the date of Closing; (iv) such exceptions as are customarily contained in a standard owner's title insurance policy for comparable properties, including all standard printed exceptions and all matters of record appearing in the Title Commitment (collectively, the "Permitted Exceptions"). At Closing, Seller shall remove any then existing monetary liens created by, through or under Seller encumbering the Property.

4. **CLOSING.** The consummation of the transaction contemplated herein ("Closing") shall occur on or before November 15, 2026, or as otherwise mutually agreed by Purchaser and Seller in writing (the "Closing Date") at the offices of Heritage West Title (the "Title Company"). Purchaser and Seller agree to execute all Closing documents prior to the Closing Date.

- At the Closing, Seller shall, at Seller's sole cost and expense deliver to Purchaser the Warranty Deed, executed and acknowledged by Seller, conveying Seller's title to Purchaser.
- At the Closing, Purchaser shall, at Purchaser's sole cost and expense deliver the Purchase Price and

any other closing costs as listed below.

- Closing Statements. At the Closing, Seller and Purchaser shall deposit with the Title Company executed closing statements consistent with this Agreement in the form required by the Title Company.
- Prorations. All prorations hereinafter provided to be made as of the Closing shall each be made as of midnight on the day before the Closing Date. In each such proration set forth below, the portion thereof applicable to periods beginning as of the Closing Date shall be credited or charged to Purchaser and the portion thereof applicable to periods ending as of the Closing Date shall be credited or charged to Seller.
- Taxes and Assessments. General real estate taxes and assessments imposed by any governmental, quasi-governmental or private entity, including, without limitation those of any charges and assessments by any special district and any assessments imposed by private covenant that constitute a lien or charge on the Property (collectively, "Taxes") and which are or become due and payable during the calendar year in which the Closing occurs shall be prorated. Seller shall be solely responsible for all Taxes that were due and payable in preceding calendar years, and Purchaser shall be responsible for all Taxes that are or will be due and payable in subsequent calendar years, in each case regardless of tax year for which such Taxes are assessed. If the Closing occurs prior to the receipt by Seller of the final bill for Taxes becoming due and payable in the calendar year in which the Closing occurs, then Purchaser and Seller shall prorate Taxes for such calendar year at Closing based upon the most recent ascertainable (confirmed) assessed values and tax rates. Any refund or rebate of Taxes resulting from a tax protest, challenge or appeal (an "Appeal") for a tax year ending prior to the Closing Date shall belong to Seller, whether received before or after Closing, and Seller shall have the sole authority to prosecute such Appeals. Any refund or rebate of Taxes, less costs incurred in connection therewith, resulting from an Appeal for the tax year in which the Closing Date occurs shall be prorated between the parties in the same manner as prescribed above, whether received before or after Closing, and Seller shall have the sole authority to prosecute any such Appeal prior to the Closing Date, and after the Closing Date Seller and Purchaser shall mutually cooperate in the prosecution of any such Appeal.
- Closing Costs and Adjustments. Fees for real estate closing, escrow and settlement services shall be paid at Closing one-half by Seller and one-half by Purchaser.
- Title Insurance. Title insurance, if desired by Purchaser, shall be obtained by Purchaser from the Title Company at Purchaser's sole cost and expense. Seller shall have no obligation to provide title insurance.

5. **REMEDIES.** Default by Purchaser. If Purchaser shall default in its obligation to close hereunder or otherwise defaults in its obligations hereunder, then Seller shall have the right in addition to its other remedies at law or in equity, to terminate this Agreement.

Default by Seller. If Seller shall default in its obligation to sell and convey the Property to Purchaser pursuant to this Agreement or otherwise defaults in its obligations hereunder, then Purchaser shall notify Seller, in writing, of the default, and Seller shall have thi1ty (30) days in which to cure the default. The Closing Date shall be automatically extended for such period and if Seller cannot cure the default within said thi1ty (30) day period, then Purchaser's sole and exclusive remedy shall be to terminate this Agreement.

6. **COMPLETE AGREEMENT.** This Agreement together with its addenda and any attached exhibits (which addenda and exhibits are hereby incorporated herein by this reference) constitutes the entire agreement between the Parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings, or contracts between the Parties. This Agreement cannot be

changed except by written agreement of the Parties. The headings and captions contained in this Agreement are for convenience only and shall not be considered in interpreting the provisions hereof.

7. **NO ASSIGNMENT.** This Agreement is personal to Purchaser and, Purchaser may not assign this Agreement prior to Closing without the prior written consent of Seller, which consent may be withheld in Seller's sole discretion. Any purported consent may be voided at the option of Seller, in its sole discretion. Seller may freely assign its rights and delegate its duties under this Agreement without Purchaser's consent. If any assignment by Seller (or its successors or assigns) shall be for the purpose of securing the repayment of a loan from a lender to Seller (or its successors or assigns), Purchaser's rights under this Agreement shall, at the option of such lender, be subject and subordinate to the rights of such lender.

8. **ATTORNEYS' FEES AND COSTS.** In the event of a dispute under this Agreement, the prevailing party shall be entitled to costs and reasonable attorneys' fees which shall be part of any arbitration or judicial decision.

9. **NOTICES.** Any notices permitted or required to be given in connection with this Agreement shall be in writing, signed by the Party giving the same and addressed to the Party to receive the notice at the address set forth below or at such other address as the Party may specify by notice to the other Party. Notices may be (i) hand- delivered; (ii) sent by a nationally recognized overnight delivery service requiring a written acknowledgement of receipt or providing a certification of delivery or attempted delivery; (iii) sent by certified mail, return receipt requested; or (iv) sent by facsimile transmission or electronic mail with an original copy thereof transmitted to the recipient by one of the means described in items (i) through (iii) above no later than three (3) business days thereafter.

10. **GOVERNING LAW.** This Agreement shall be governed by Utah law without regard to choice of law rules.

11. **BROKERAGE COMMISSION.** Seller and Purchaser represent and warrant to each other that neither has contacted any real estate broker, finder, or other party in connection with this transaction, to whom any real estate brokerage, finder, or other fees may be due or payable with respect to the transaction contemplated hereby.

12. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon and inure to the benefit of the Patties and their respective successors and assigns.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed to be effective as of the Effective Date first set forth above.

(SIGNATURES PAGE 4)

SELLER

_____
Dennis J. Bott, Mayor
Brigham City Corporation

STATE OF UTAH)
: ss
COUNTY OF BOX ELDER)

On the _____ day of _____, 2026, personally appeared before me, Dennis J. Bott, who being by me duly sworn did say, that he, the said Dennis J. Bott is the Mayor of Brigham City Corporation, a municipal corporation, and that the within and foregoing instrument was signed in behalf of said corporation and said Dennis J. Bott duly acknowledged to me that said corporation executed the same.

_____
NOTARY PUBLIC

PURCHASER

_____
Neil Stevens, Business Administrator
Box Elder School District

STATE OF UTAH)
: ss
COUNTY OF BOX ELDER)

On the _____ day of _____, 2026, personally appeared before me, Neil Stevens, who being by me duly sworn did say, that he, the said Neil Stevens is the Business Administrator of Box Elder School District, and that the within and foregoing instrument was signed in behalf of Box Elder School District and said Neil Stevens duly acknowledged to me that said Box Elder School District executed the same.

_____
NOTARY PUBLIC

EXHIBIT A
LEGAL DESCRIPTION

03-114-0021
Lot 01, Brigham City School Subdivision. Part of the Southwest Quarter of Section 23, Township 9 North, Range 2 West Salt Lake Base and Meridian.

Brigham City
Agenda Item for City Council October 1, 2026 City Council Agenda

1. Initiated By:

Jeff Schmitt, Finance Director

2. Department or Division:

Administration

3. Date Initiated:

September 23, 2026

4. Brief Explanation of Proposed Action (Attach Other Documentation as Necessary):

Schedule upcoming work sessions to discuss proposed Action Item that was tabled on September 17, 2026 for a budget amendment to the FY 2026-27 budget to reflect an increase in expenditures in the Capital Projects Fund for new gym space.

5. Estimated Time Needed:

10 Minutes

6. Proposed Date for Council Action:

October 1, 2026

7. Explanation of Deadline, If Applicable:

8. Review:

Jeff Schmitt, Finance Director	09/23/2026
Derek Oyler, City Administrator	09/23/2026
Dennis J Bott, Mayor	09/23/2026