



**AMENDED NOTICE AND AGENDA
BRIGHAM CITY COUNCIL MEETING**

Thursday, August 20, 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 Mike Arrington, 20th Ward
Pledge of Allegiance

6:03 CONSENT

1. Approval of August 6, 2026 City Council Meeting Minutes
2. Request to write-off utilities due to being sent to collections or bankruptcy

6:05 EMPLOYEE RECOGNITION

New Hire in Power Department

6:07 PUBLIC HEARING (Items may be brought to a vote following the public hearing as deemed necessary)

1. Consideration of Resolution Adopting 2026-27 Final Budget – Jeff Schmitt

PUBLISHING OF THE PROPERTY TAX IMPACT SCHEDULE

This Agenda item is intended to demonstrate compliance with 59-2-919(4)(a)(i) and 59-2-924(8)(b) by providing a Property Tax Impact Schedule as attached to this Agenda

2. Consideration of Ordinance Approving the Annexation of 87.74 +/- Acres Located At Approximately 1200 West between Hwy 13 and 1500 North Into Brigham City Corporate Limits – Mark Bradley

6:20 PUBLIC COMMENTS¹ (Per Utah Code, Council will receive input only, no decision can be made)

6:25 COUNCILMEMBER AND CITY ADMINISTRATOR COMMENTS

6:30 ACTION ITEMS

1. Consideration of Ordinance Amending the Brigham City Zoning Map to assign zoning districts to land associated with an annexation petition located at 1000 West between 1500 North and Highway 13 – Mark Bradley
2. Consideration of Approval of Appointment of Interim Public Power Director – Derek Oyler
3. Consideration of Resolution approving the amended and reinstated waste services agreement between Brigham City Corporation and Econowaste, LLC and authorizing the Mayor to execute the agreement on behalf of Brigham City – Derek Oyler
4. Consideration of Ordinance amending Title 5 – Consolidated Fee Schedule related to fees for recycling services – Derek Oyler

7:15 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 length of discussion or agenda alteration. In compliance with the Americans with Disabilities Act, individuals needing special accommodations should notify the City Recorder (435-734-6621) at least 48 hours in advance of the meeting. City Council members may participate in council meetings electronically. Public is welcome to join the meeting in person at City Hall or to view the meeting electronically at the link above.

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder does hereby certify that the above notice and agenda was posted in three public places within the Brigham City limits. A copy was also provided to the Box Elder News Journal and posted on the City website and the State Public Meeting Notice website on August 19, 2026.

Kristina Rasmussen, City Recorder

¹ Public Comment is limited to three minutes per person, 15 minutes total time

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL**

August 20, 2026

6:00 p.m.

PRESENT:	D.J. Bott	Mayor
	Dave Hipp	Councilmember
	Matthew Jensen	Councilmember
	Ryan Smith	Councilmember
	Robin Troxell	Councilmember
ALSO PRESENT:	Mark Bradley	City Planner
	Chris Howard	Police Commander
	Tom Kotter	Community and Economic Development Director
	Derek Oyler	City Administrator
	Jeremy Poppleton	Assistant Fire Chief
	Kristina Rasmussen	City Recorder
	Jeff Schmitt	Finance Director
EXCUSED:	Dave Jeffries	Councilmember

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

CONSENT ITEMS

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

1. Approval of the August 6, 2026 City Council Meeting
2. Request to write-off utility accounts totaling \$3,497.65 due to being sent to collections

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

EMPLOYEE RECOGNITION

Mayor Bott recognized one new employee who has recently joined the Brigham City team and welcomed him to the organization. The following employee was recognized:

- Jeffery Davis – Tree Trimmer

PUBLIC HEARING

Consideration of Resolution Adopting 2026-27 Final Budget

Finance Director Jeff Schmitt provided a brief overview of the proposed 2026–27 Final Budget. He explained that the budget process had been ongoing for several months and included multiple budget work sessions and the Truth in Taxation public hearing held the previous week. He stated that no changes

had been made since the interim budget was approved on June 18, 2026, and that the final budget was ready for Council consideration.

Motion to Open Public Hearing: Councilmember Hipp moved to open the public hearing regarding the 2026–27 Final Budget. Councilmember Jensen seconded the motion. The motion passed unanimously.

No public comment was given

Motion to Close Public Hearing: Councilmember Smith moved to close the public hearing regarding the 2026-27 Final Budget. Councilmember Troxell seconded the motion. The motion passed unanimously.

Following the public hearing, Mayor Bott noted that the Property Tax Impact Schedule attached to the agenda was provided to demonstrate compliance with applicable State requirements. The Council then discussed the proposed final budget and property tax increase.

Councilmember Smith suggested maintaining the Parks Department's additional temporary staffing funding at the \$55,000 already included in the interim budget and using General Fund balance for one year to cover the additional City Attorney costs. He believed this would allow the City to recruit an attorney, determine the actual ongoing cost of the position, and provide residents a one-year reprieve from a property tax increase.

The Council discussed whether contracted legal services could continue instead. City Administrator Derek Oyler explained that replacing the level of service provided by the current contracted attorney would likely require multiple outside attorneys and additional funding. He noted that the current attorney had substantially reduced the City's need for outside counsel and provided expertise in employment, liability, contracts, ordinances, policies, economic development, and other legal matters. He clarified that a full-time City Attorney was not a new position; the City had attempted to recruit for the position approximately two years earlier before ultimately contracting for legal services.

Mr. Oyler reported that preliminary recruitment efforts had been unsuccessful at the \$200,000 salary currently budgeted and estimated that approximately \$240,000 to \$250,000 annually, before benefits, could be necessary to recruit an attorney with the qualifications needed by the City. The current attorney's contract had expired August 1 and was continuing month-to-month only while the City sought a full-time replacement, making the arrangement unsuitable as a long-term solution.

Mayor Bott cautioned against using one-time funds for ongoing expenses, referencing the City's previous experience of using one-time funds to offset utility costs and the significant rate increases that eventually became necessary. Mr. Oyler agreed, emphasizing that adequate legal counsel was essential for a City with an approximately \$90 million budget and substantial assets. He advised that using fund balance for the \$129,843 ongoing attorney expense would leave the following year's budget approximately \$130,000 behind and likely result in the issue returning as a property tax increase during the next budget cycle.

Councilmember Smith acknowledged those concerns but emphasized that he was proposing a one-year approach rather than an ongoing funding strategy. He noted that residents had also experienced increases in water and power rates and believed the City had an opportunity to provide some temporary relief while determining the actual cost of the attorney position.

Councilmember Smith proposed the following changes to the final budget:

- Maintain the Parks Department's additional temporary wage funding at \$55,000, rather than adding the remaining \$55,000 proposed in the final budget;
- Fund the \$129,843 associated with the City Attorney from General Fund balance rather than additional property tax revenue; and
- Adopt the certified property tax rate without the proposed increase.

The Council clarified that the Parks Department had originally requested an additional \$110,000 for temporary staffing, which had previously been reduced to \$55,000 and included in the June 18 interim budget. Councilmember Smith's proposal would retain that \$55,000 but not add the remaining \$55,000. Finance staff also reported that unrestricted General Fund cash was approximately \$8.3 million as of June 30, 2025, while cautioning that the figure did not reflect the recently completed fiscal year or previously budgeted expenditures.

Motion: Councilmember Smith moved to adopt the 2026–27 Final Budget with modifications from the budget and property tax increase as originally presented, specifically:

- Remove the additional \$55,000 proposed for Parks Department temporary wages, leaving the \$55,000 previously included in the interim budget for additional temporary staffing;
- Fund the \$129,843 associated with the City Attorney from General Fund balance rather than through additional property tax revenue; and
- Adopt a property tax rate of .001740, generating approximately \$3,846,456 in property tax revenue, thereby maintaining Brigham City's portion at the certified tax rate rather than adopting the proposed property tax increase.

Councilmember Hipp seconded the motion.

Roll Call:

Councilmember Troxell – Aye; Councilmember Smith – Aye; Councilmember Hipp – Aye;
Councilmember Jensen – Aye

Consideration of Ordinance approving the annexation of 87.74 +/- Acres located at approximately 1000 West between Hwy 13 and 1500 North into Brigham City Corporate Limits

City Planner Mark Bradley presented the proposed annexation of approximately 87.74 acres located between Highway 13 and 1500 North. He explained that the petition was filed in June and had proceeded through the required noticing and review process. Stewart Land was the applicant, and Brad Brown was present representing the company. Mr. Bradley noted that the property had previously gone through a General Plan amendment process related to its future land use designation.

Mr. Bradley explained that the proposed annexation also included property owned by Taylor Roberts located between the railroad and the existing City limits. Staff had requested that this property be included to avoid creating a gap in the City's boundary along 1500 North and to provide continuity for future roadway and infrastructure improvements. Mr. Roberts had previously expressed interest in annexation but currently preferred not to be annexed. Staff believed inclusion of the property was important for orderly growth and future City responsibility for the roadway.

Councilmember Troxell expressed concern about including property when the owner did not wish to be annexed, stating that she had generally understood annexation to be initiated by willing property owners rather than imposed by the City. Mr. Bradley confirmed that annexation petitions must be submitted by

property owners but explained that there had historically been circumstances where additional properties were included to meet annexation and boundary requirements.

The Council discussed Mr. Roberts' property and the anticipated improvements to 1500 North. It was noted that the property currently receives City services despite being outside the City limits and that Union Pacific requirements for the railroad crossing and roadway grade would affect properties on both sides of the tracks, including access to existing properties.

Motion to Open Public Hearing: Councilmember Smith moved to open the public hearing regarding the proposed annexation. Councilmember Jensen seconded the motion. The motion passed unanimously.

Brad Brown - representing the applicant, stated that he had been communicating with Mr. Roberts regarding the annexation. He explained that Mr. Roberts' primary concern was whether annexation would require him to immediately pay for roadway improvements. Based on discussions with staff, Mr. Brown understood that no immediate roadway costs would be imposed, although future development could require reconciliation of services and development standards. Mr. Brown stated that he wanted Mr. Roberts' concerns represented since he was unable to attend the meeting.

Motion to Close Public Hearing: Councilmember Smith moved to open the public hearing. Councilmember Jensen seconded the motion. The motion passed unanimously.

Following the public hearing, Mr. Bradley clarified a discrepancy in the agenda regarding the location of the annexation. The public hearing item referenced approximately 1200 West, while the related zoning item referenced 1000 West. He stated that the notices had been published using 1000 West and requested that the motion correctly identify the location as approximately 1000 West between Highway 13 and 1500 North.

Councilmember Troxell requested additional clarification regarding responsibility for future roadway improvements near Mr. Roberts' property and the railroad crossing. Staff explained that Union Pacific's requirements were still being engineered and that developers historically are responsible for roadway improvements along the frontage of their development. If Union Pacific required improvements beyond a developer's frontage, the City could initially fund those improvements and potentially establish a pioneering agreement to recover appropriate costs as surrounding properties develop.

City Administrator Derek Oyler acknowledged the Council's concern regarding annexing property without the owner's request and stated that staff generally agreed that annexations should be initiated by property owners. However, he explained that circumstances may arise in which the Council must determine whether inclusion of additional property is appropriate based on broader considerations. He referenced previous litigation involving this area and emphasized the importance of the City maintaining appropriate control of the roadway and coordinating improvements to mitigate the potential for future disputes or litigation. Staff believed the circumstances surrounding this particular area warranted inclusion of the property.

Motion: Councilmember Hipp made a motion was made to approve the ordinance annexing 87.74 ± acres located at approximately 1000 West between Highway 13 and 1500 North into the Brigham City corporate limits. Councilmember Smith seconded the motion.

Roll Call:

Councilmember Troxell – Aye; Councilmember Smith – Aye; Councilmember Hipp – Aye;
Councilmember Jensen – Aye

PUBLIC COMMENT

Jack Levitt - spoke about the volunteer-developed trail system on City property near Mantua Reservoir and its use by the Utah High School Cycling League. He provided background on his longtime involvement with the trails and emphasized that volunteers perform most of the construction, maintenance, and race preparation with minimal expense to the City.

Mr. Levitt opposed a proposed \$5-per-participant fee for Cycling League events, which he estimated would total approximately \$5,600 per race. He noted that the races provide recreational opportunities for youth, attract spectators to the area, and do not prevent the general public from accessing the surrounding property. He questioned the need for the fee given the amount of volunteer labor and equipment contributed to maintain the course and prepare for events.

Mr. Levitt requested that the Council consider exempting the Cycling League from the proposed fee. He also cautioned that additional fees or restrictions on public access could discourage volunteers and participants, potentially affecting the long-term viability of the trail system.

Phil Dunson - commented on the recently completed bridge near Pioneer Park. He expressed appreciation for the bridge and the travel-time savings it provides but said the construction appeared to take a long time from the public's perspective. He questioned the apparent disconnect between that perception and reports that the project was completed approximately six months ahead of schedule and suggested the City consider whether future project schedules and estimates could better reflect public expectations. He also commented on the timing of the ribbon-cutting ceremony occurring before the bridge was fully open. Mr. Dunson reiterated his appreciation for the project and the work involved in completing it.

Doug Christensen, a Bear River City resident, approached the Council and identified himself as a candidate for County office. Mayor Bott expressed concern regarding a candidate discussing his candidacy in a City facility would be in violation of the Hatch Act. Mr. Oyler clarified that it was not the Hatch Act but the City's own written policy regarding the public comment period that limits non-resident participation. Mr. Christensen thanked the Council and did not provide further comment.

COUNCILMEMBER AND CITY ADMINISTRATOR COMMENTS

Councilmember Troxell – Reported on the recent Library Board meeting, where two new board members were seated following the retirement of longtime members. She recognized Barbara Pullman for approximately 32 years of service on various City boards and expressed appreciation for the many residents who volunteer on boards, commissions, and community organizations throughout Brigham City. She also noted that City Attorney Nicole Cottle provided Public Meetings Act training to the Library Board, which was well received.

Councilmember Smith – Noted that Peach Days was three weeks away.

City Administrator Derek Oyler – Provided an update regarding downtown parking and the City's efforts to support businesses and maintain a vibrant historic Main Street. He announced that the City

purchased a residential property at 69 South 100 West and planned to demolish the dwelling in mid-to-late September to expand public parking in the downtown area.

ACTION ITEMS

Consideration of Ordinance amending the Brigham City Zoning Map to assign zoning districts to land associated with an annexation petition located at 100 West between 1500 North and Highway 13

City Planner Mark Bradley presented the proposed zoning for the recently annexed property at approximately 1000 West between 1500 North and Highway 13. He reported that the Planning Commission recommended approval by a 3-2 vote of:

- RM-7 on the southern portion;
- R-1-8 through the primary portion;
- R-1-10 on the northern portion; and
- R-1-8 on the Roberts property east of the railroad tracks.

The two dissenting votes related to the Roberts property—one Commissioner opposed including property whose owner did not wish to annex, while another preferred R-R-1 zoning to provide greater flexibility for existing animal rights.

The Council discussed the proposed R-M-7 zoning, including density and whether R-1-6 would be more appropriate. Mr. Bradley explained that townhomes under either zone would require a Planned Unit Development (PUD) and additional City review. Actual density would also be limited by streets, setbacks, topography, Highway 13 access restrictions, and other site constraints. Staff felt R-M-7 could provide an appropriate transition between the residential development and existing MD industrial zoning across 1000 West.

Regarding the Roberts property, Mr. Bradley explained that documented existing animal rights could continue under R-1-8 as long as the property remained in its current configuration. Subdivision or redevelopment would require compliance with R-1-8 standards. R-R-1 could provide greater ability to retain animal rights if the property were subdivided but could require a future rezone for more intensive residential development.

The Council also discussed increased traffic from future development. Mr. Bradley stated that traffic impacts had been considered during the General Plan amendment and could eventually require coordination with UDOT and improvements at 1000 West. Future development of 1500 North was expected to provide an additional route toward Highway 13.

Motion: Councilmember Troxell moved to approve the ordinance amending the Brigham City Zoning Map to assign zoning districts to land associated with the annexation petition located at 1000 West between 1500 North and Highway 13, as presented. Councilmember Hipp seconded the motion.

Roll Call:

Councilmember Troxell— Aye; Councilmember Smith – Aye; Councilmember Hipp – Aye;
Councilmember Jensen – Aye

Consideration of approval of Appointment of Interim Public Power Director

Mayor Bott presented the proposed appointment of Kevin Garlick as Interim Public Power Director. He

explained that Mr. Garlick had been consulting with Brigham City for more than a year on its power portfolio and had recently served as the City's UAMPS representative.

Mayor Bott reviewed Mr. Garlick's extensive public power experience, including serving as Public Power Director for Logan City, Bountiful City, and Provo City, as well as a leadership position with the Utah Municipal Power Agency (UMPA) involving power generation. He stated that Mr. Garlick's experience in generation, power acquisition, technology, and municipal utilities would be particularly valuable as the City addresses future generation needs and works to provide adequate power for continued growth and economic development.

Mr. Garlick thanked the Mayor and Council for the opportunity and stated that he looked forward to building upon the work of the City's Power Department. He identified addressing current and future power generation challenges as a primary focus and offered to meet with Councilmembers regarding any questions or concerns related to the department.

Mayor Bott added that the City is exploring generation options, including potential behind-the-meter generation, and said Mr. Garlick's expertise would help the City evaluate and navigate those opportunities.

Motion: Councilmember Hipp moved to approve the appointment of Kevin Garlick as Interim Public Power Director. Councilmember Jensen seconded the motion. The motion passed unanimously.

Following the appointment, City Recorder Kristina Rasmussen administered the oath of office to Mr. Garlick.

Consideration of Resolution approving the amending and restated waste services agreement between Brigham City Corporation and Econowaste, LLC and authorizing the Mayor to execute the agreement on behalf of Brigham City

Community Development Director Tom Kotter presented the proposed one-year agreement with Econowaste, LLC for the City's blue-can recycling program. He explained that the existing one-year agreement was expiring and that Econowaste had since been acquired by Republic Services. Although multi-year options were available, staff recommended another one-year agreement to allow the City to continue evaluating the program. Approximately 2,300 customers currently participate, a decrease of about 500 customers from the previous year.

The Council clarified that although the agreement is titled a "waste services agreement," it applies specifically to recycling services. Staff noted that the terminology had been reviewed and approved by the City Attorney and that the agreement defines the recycling services being provided.

A Republic Services representative explained that recyclable material is now taken to a transfer station owned by Republic and then handled through a contracted recycling provider. She addressed previous concerns about recyclable material being landfilled and stated that, aside from contamination that cannot be recycled, collected recyclable material is required to be processed for recycling. She also explained that the previous \$100 tipping fee had been eliminated and replaced with a standard \$65-per-ton transfer station charge.

The Council discussed declining participation and opportunities to increase public awareness and education, including reducing contamination in recycling containers. The Republic representative stated that the per-can rate would remain the same even if participation declines and expressed willingness to

work with the City on future outreach efforts. City staff noted that information about the recycling program is currently distributed through annual utility bill inserts and to new utility customers.

Motion: Councilmember Smith moved to approve the resolution approving the amended and reinstated waste services agreement between Brigham City Corporation and Econowaste, LLC and authorizing the Mayor to execute the agreement on behalf of Brigham City. Councilmember Jensen seconded the motion. The motion passed unanimously.

Consideration of Ordinance amending Title 5 – Consolidated Fee Schedule related to fees for recycling service

Community Development Director Tom Kotter presented the proposed amendment to Title 5, Consolidated Fee Schedule, related to recycling services. He explained that, as part of the City's recent ordinance recodification, fees have been consolidated into Title 5 and the recycling fee needed to be updated to reflect the new agreement with Econowaste.

Staff recommended increasing the blue-can recycling fee from \$10 to \$11 per can to help cover increased service and fuel-related costs included in the new contract.

Motion: Council Member Hipp moved to approve the ordinance amending Title 5, Consolidated Fee Schedule, related to fees for recycling services. Council Member Jensen seconded the motion.

Roll Call:

Councilmember Troxell– Aye; Councilmember Smith – Aye; Councilmember Hipp – Aye;; Councilmember Jensen - Aye

At 7:37 PM Councilmember Hipp made a motion to enter a closed session to discuss the purchase, exchange, or lease of real property. Councilmember Troxell seconded the motion.

Roll Call:

Councilmember Troxell– Aye; Councilmember Smith – Aye; Councilmember Hipp – Aye;; Councilmember Jensen - Aye

At 7:45 PM Council came back into regular session. Councilmember Smith made a motion to adjourn. Councilmember Jensen 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 August 20, 2026 City Council Meeting.

Dated this 4th of September, 2026.

Kristina Rasmussen

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.



PROPERTY TAX IMPACT SCHEDULE

Pursuant to 59-2-919(4)(a)(i) and 59-2-924(8)(b), the proposed tax rate increase is summarized as follows:

Revenue Impact

- Estimated additional property tax revenue: \$184,843
- Percentage increase in total property tax revenue: 4.81%

Taxpayer Impact

- Average residential property (\$400,000):
 - Prior year tax: \$382.80
 - Proposed tax: \$401.28
 - Annual Increase: \$18.48
 - Percentage Increase: 4.81%
- Average commercial property (\$1,200,000):
 - Prior year tax: \$2,088.00
 - Proposed tax: \$2,188.80
 - Annual Increase: \$100.80
 - Percentage Increase: 4.81%

Departmental Budget and Operational Impact

The proposed tax rate increase will impact the following departments:

Mayor's Office

Budget Impact (\$129,843): This change is attributable to personnel costs associated with transitioning from a contracted attorney to a full-time City Attorney position, including wages and benefits that were not previously provided under the contract arrangement.

Operational Impact: Approval of the proposed tax rate increase will allow the City to maintain consistent legal services following the anticipated conclusion of the current contract. While the City has greatly benefited from a highly effective contracted attorney, the transition to a full-time City Attorney is intended to provide dedicated, on-site legal support and ensure continuity of services moving forward.

A full-time attorney will offer increased day-to-day availability, more direct integration with City staff and operations, and the ability to provide timely review of contracts, ordinances, and policies. This position will also support ongoing legal needs related to economic development, personnel matters, and regulatory compliance.

Without the proposed increase, the City would need to secure alternative contracted legal services, which may result in variability in availability, higher hourly costs over time, or reduced consistency depending on the provider.

Parks Department

Budget Impact (\$55,000): This change is due to increased temporary wage costs to address seasonal staffing needs and rising service demands.

Operational Impact: Approval of the proposed tax rate increase will allow the department to enhance service levels by adding temporary staff to better maintain the City's parks system. This includes improved mowing schedules,



PROPERTY TAX IMPACT SCHEDULE

landscaping, cleanliness, and overall park appearance. Additional staffing will help the department keep pace with increased usage and expectations as the City continues to grow.

Without the proposed increase, the department would likely continue to fall behind on routine maintenance and upkeep, resulting in declining park conditions, reduced aesthetic quality, and potential impacts to public use and community satisfaction.