CITY OF LOGAN
ORDINANCE NO. 05-22 Revised

ENACTING A BUDGET ORDINANCE APPROPRIATING A FUND RESERVE FROM
SALES TAX DEDICATED TO PRESERVING OPEN SPACE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS
FOLLOWS:

SECTION 1: Section 2.02.420 of the Logan Municipal Code, 1989, is hereby amended
to read follows:

2.02.420 Budget Adoption:

A. On or before the first regularly scheduled meeting of the legislative body of May of
each fiscal year, the budget officer shall prepare for the ensuing budget year, on
forms provided by the state auditor, and file with the municipal council, a tentative
budget for each fund for which a budget is required.

B. Such tentative budgets shall be in a form as required by state law.

C. The tentative budgets shall be reviewed, considered and revised by the municipal
council as they deem necessary. (Prior code §2-1-7)

D. The budget officer shall include as part of the annual tentative budget, a fund
reserve dedicated exclusively to preserving open space in the amount of the
projected sales tax generated by all retailers, larger than 60,000 square feet in retail
space, located in the South Main Redevelopment Project Area, not to exceed one
million dollars. This fund shall be used to acquire properties, development rights,
or to augment property trades, along gateways, major transportation corridors, and
other areas deemed to be of visual and environmental value, such as, open
meadows, verdant farmland, unobstructed mountain vistas, and natural water
features.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS 15th
March, 2005.

AYES:
NAYS:
ABSENT:

ATTEST:
Lois Price, City Recorder

Laraine Swanson, Chair
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the ___ day of ___ , 2005.

Laraine Swenson, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this ___ day of ___ , 2005.

Douglas E. Thompson, Mayor
March 29, 2005

Logan Municipal Council
255 North Main
Logan, UT 84321

RE: Ordinance No. 05-22 Revised

Dear Chairperson Swenson and Members of the Council:

Let me say at the outset that the administration and I firmly support open space and enhanced gateway development. I was an early advocate of Initiative 1 in the 2004 election and believe that it is appropriate for government to help preserve open space. Having one percent of the Capital Project budget going to open space is an idea we support. So it is with reluctance that I have decided to disapprove Ordinance No. 05-22. Here is why I did.

1. There is a technical problem that must be corrected that has nothing to do with the merits of the ordinance. As written, it could be interpreted to require the annual tentative budget to allocate an amount equal to all the sales tax generated by all retailers, larger than 60,000 square feet, in the South Main RDA, not just the one half of one percent that the city receives from point of sale. We would have to budget for several times more tax revenue than we would actually receive.

We would also like to see language that excluded, from the formula for budget allocation, large stores moving from another part of the city to the South Main RDA. In this case, it would not represent “new” money to the city.

2. Although open space holds a very high priority in the hearts and minds of Logan citizens, I am not certain that it is high enough a priority to allocate one million dollars a year at a time when we are still recovering from financial stress and strains.

A million dollars is five percent of our total general fund, 34 percent of our fire department, or 21 percent of our police department budget. Like most cities, not just in
Utah but also across the nation, we have been going through a rough financial period. Departments have been cutting back in the face of increasing costs and flat revenues with the hope that when times got better they could make up lost ground. Until our employee salaries, roads, parks, police, fire, etc. are in more reasonable shape, it is not the right time to devote such a large amount to green space. A smaller amount makes more sense.

I think our citizens agree. Last fall when Initiative 1 asked Utah citizens to dedicate 1/20th of one percent of their purchases for open space, Logan turned it down 51.6 to 48.4 percent. Granted, Initiative 1 came closer to passing in Logan than it did statewide but it still was defeated within our boundaries. The Initiative asked for about $300,000 a year from Logan. If our citizens wouldn't go for $300,000 for open space then, I can't see them okaying a million dollars now.

A survey conducted by the city show open space a high priority but not the highest. In the 2003 Dan Jones survey, Logan citizens were asked the open ended question, “What improvements are you most anxious to see in Logan City?” Forty-one percent replied traffic or road issues. Only one percent said open space. In another question they were given a list of eight items to rate in importance. Traffic congestion and affordable housing received higher scores than open space. (The other items, in order, were wildlife habitat, trails, Downtown Logan, diversity of housing types, and more variety of retail stores.)

3. As we follow the prescriptions of the book, *The Price of Government*, we need to make sure we don’t get the cart before the horse. That is, we need to be careful that we do not start allocating funds before we know more surely how our citizens would prioritize the services and programs Logan offers. I am convinced that open space is a very high priority of our citizens, among the highest, when it comes to land use questions but we have not asked them to rank open space against programs and services such as roads, fire and police. We need to go through a careful process of public meetings and surveys to help us understand how our citizens prioritize their governmental needs and wants. To do so before a thorough process is premature.

Salt Lake County recently announced a $160 million open space plan but the plan is coming first, not the allocation. I think that planning first is the proper approach. The Parks and Recreation Master Plan and the General Plan could serve as a solid basis for such a plan.

4. I think a resolution not an ordinance is the proper way to introduce this concept. A resolution presents the sense of the Council to the administration and lets us know in a very formal way what your preferences are. An ordinance would force the administration to create a budget that had a million dollars for open space whether there were higher, more pressing needs or not. In the face of an undeniable need, we might have to prepare two tentative budgets, one, a fiction that ignored the need but had a million dollars for open space and another that reflected the recommendation of the administration. As you
have done in the past with Capital Projects and Debt Management, I suggest using a resolution.

I believe there is room for compromise. A lower amount could be allocated or the open space amount could be allocated after so much of the sales tax increment, say the first $500,000, had already been allocated.

For the reasons stated herein I disapprove Logan Ordinance 05-22 Revised.

Sincerely,

[Signature]

Douglas E. Thompson

cc: Lois Price
CITY OF LOGAN
ORDINANCE NO. 05-32

ENACTING A BUDGET ORDINANCE APPROPRIATING A FUND RESERVE FROM SALES TAX DEDICATED TO PRESERVING OPEN SPACE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS FOLLOWS:

SECTION 1: Section 2.02.420 of the Logan Municipal Code, 1989, is hereby amended to read follows:

2.02.420 Budget Adoption:

A. On or before the first regularly scheduled meeting of the legislative body of May of each fiscal year, the budget officer shall prepare for the ensuing budget year, on forms provided by the state auditor, and file with the municipal council, a tentative budget for each fund for which a budget is required.

B. Such tentative budgets shall be in a form as required by state law.

C. The tentative budgets shall be reviewed, considered and revised by the municipal council as they deem necessary. (Prior code §2-1-7)

D. The budget officer shall include as part of the annual tentative budget, a fund reserve dedicated exclusively to preserving open space in the amount of the projected annual sales tax to be received by the City of Logan that is generated by all retailers, larger than 60,000 square feet in retail space, located in the South Main Redevelopment Project Area, not to exceed one million dollars. This fund shall be used to acquire properties, development rights, or to augment property trades, along gateways, major transportation corridors, and other areas deemed to be of visual and environmental value, such as, open meadows, verdant farmland, unobstructed mountain vistas, and natural water features.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS 4th OF APRIL, 2005.

AYES: Thompson, Taylor, Swenson, Lincoln, Swenson, Kippen,

NAYS: None

ABSENT: None

ATTEST:

Lois Price, City Recorder

Laraine Swenson, Chair
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the ___ day of ____, 2005.

Laraine Swenson, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby __ approved ___ this ___ day of ___, 2005.

Douglas E. Thompson, Mayor
March 29, 2005

Logan Municipal Council
255 North Main
Logan, UT 84321

RE: Ordinance No. 05-22 Revised

Dear Chairperson Swenson and Members of the Council:

Let me say at the outset that the administration and I firmly support open space and enhanced gateway development. I was an early advocate of Initiative 1 in the 2004 election and believe that it is appropriate for government to help preserve open space. Having one percent of the Capital Project budget going to open space is an idea we support. So it is with reluctance that I have decided to disapprove Ordinance No. 05-22. Here is why I did.

1. There is a technical problem that must be corrected that has nothing to do with the merits of the ordinance. As written, it could be interpreted to require the annual tentative budget to allocate an amount equal to all the sales tax generated by all retailers, larger than 60,000 square feet, in the South Main RDA, not just the one half of one percent that the city receives from point of sale. We would have to budget for several times more tax revenue than we would actually receive.

We would also like to see language that excluded, from the formula for budget allocation, large stores moving from another part of the city to the South Main RDA. In this case, it would not represent “new” money to the city.

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A million dollars is five percent of our total general fund, 34 percent of our fire department, or 21 percent of our police department budget. Like most cities, not just in
have done in the past with Capital Projects and Debt Management, I suggest using a resolution.

I believe there is room for compromise. A lower amount could be allocated or the open space amount could be allocated after so much of the sales tax increment, say the first $500,000, had already been allocated.

For the reasons stated herein I disapprove Logan Ordinance 05-22 Revised.

Sincerely,

Douglas E. Thompson

cc: Lois Price
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 29th day of March, 2005.

Laraine Swenson, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 29th day of March, 2005.

Douglas E. Thompson, Mayor
April 20, 2005

Logan Municipal Council
255 North Main
Logan, UT 84321

RE: Ordinance No. 05-32

Dear Chairperson Swenson and Members of the Council:

Let me reiterate that the administration and I firmly support open space and enhanced gateway development. In spite of that support, I disapprove Logan Ordinance 05-32.

The reasons given in my letter of March 29, 2005 regarding disapproval of Ordinance No. 05-22 Revised still stand with the exception of the technical correction made in No. 05-32. (See attached copy of the letter.)

Here are two additional reasons:

1. The eventual gateways to the east and west are already excellent, protected open space. To the east of the city are a designated wilderness area, Logan Canyon and forest service lands. To the west are undevelopable wetlands and sloughs. Federal law protects these open spaces.

2. We can protect and manage the corridors within Logan's boundaries through the General Plan, zoning, design review and tighter ordinances, if necessary. And I do not think it is appropriate for the City of Logan to purchase land outside its boundaries for open space preservation. I would, however, support action that would enable transfer of development rights.

For the reasons stated herein I disapprove Logan Ordinance 05-32 Revised.

Sincerely,

Douglas E. Thompson

cc: Lois Price
March 29, 2005

Logan Municipal Council
255 North Main
Logan, UT 84321

RE: Ordinance No. 05-22 Revised

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Douglas E. Thompson

cc: Lois Price