

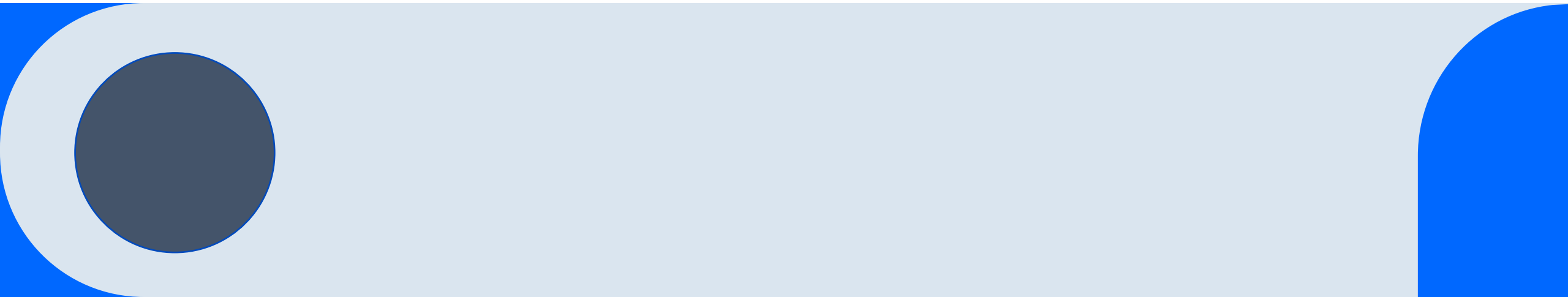
City of
NORTH SALT LAKE

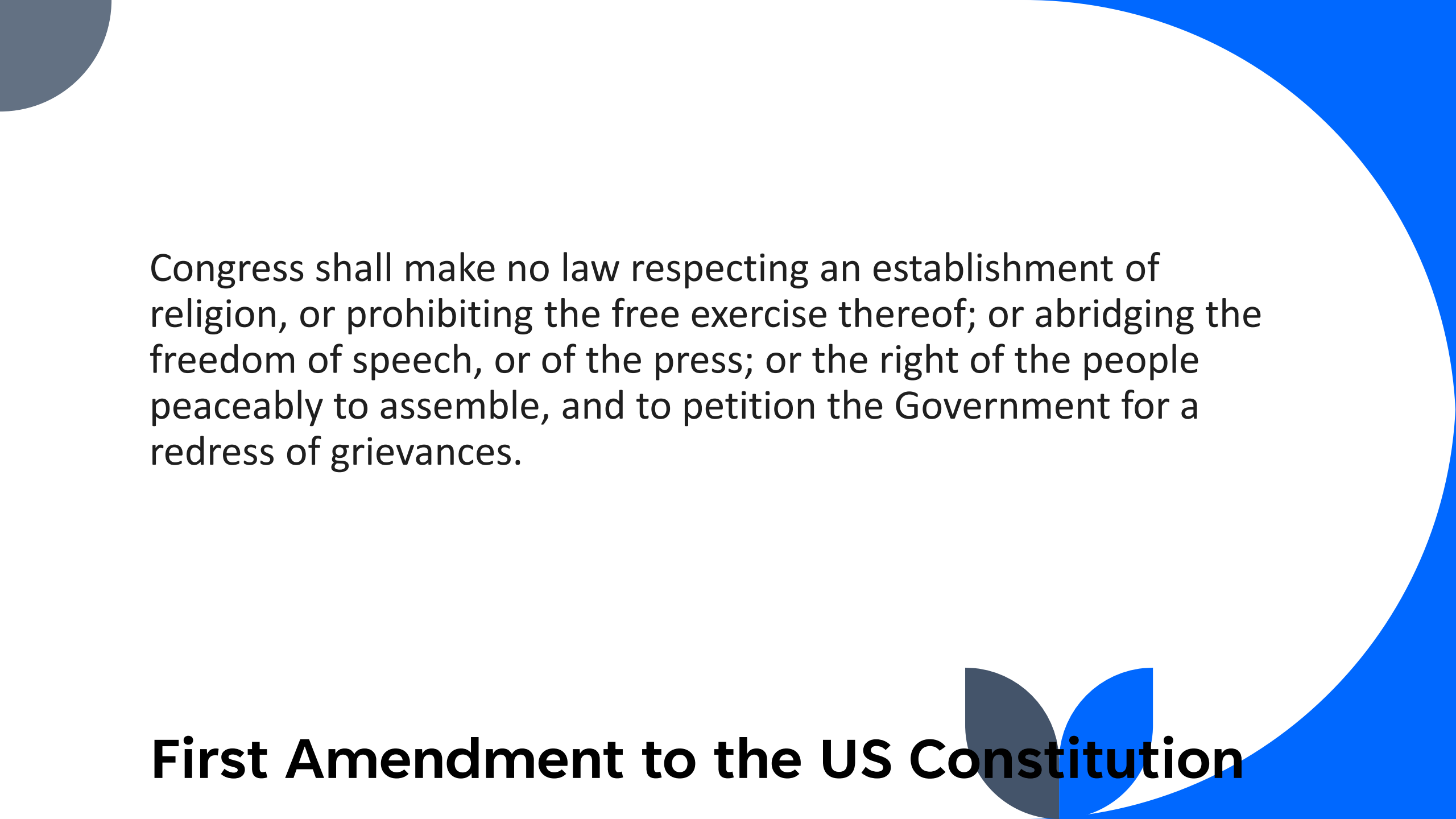
CITY COUNCIL
Work Session

September 3, 2024
6:00 p.m.

TRAINING BY CITY ATTORNEY

The First Amendment and Regulation of Public Facilities and Spaces





Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

First Amendment to the US Constitution

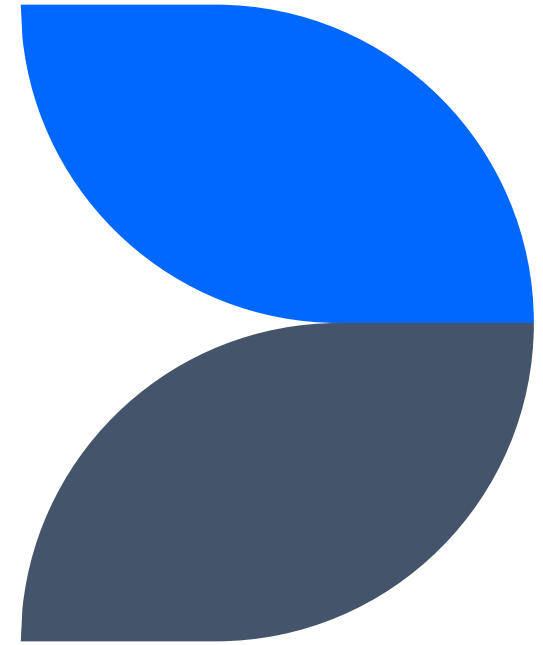
Article I, Section
15 [Freedom of speech
and of the press -- Libel.]
No law shall be passed to
abridge or restrain the
freedom of speech or of
the press.

Utah State Constitution



The First Amendment, and the other Amendments of the Bill of Rights were implemented to protect the people from abusive or overreaching government

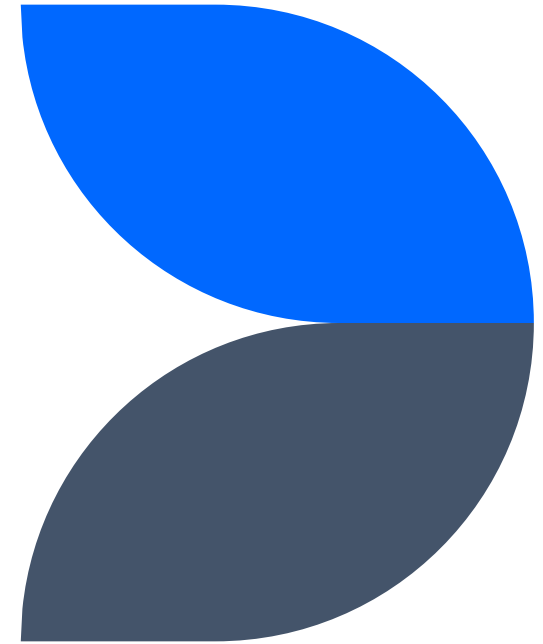
YOU are the government



What specific authority do you have as a City?

The boards of commissioners and city councils of cities shall have the power to control the finances and property of the corporation.

Utah Code Ann. §10-8-1

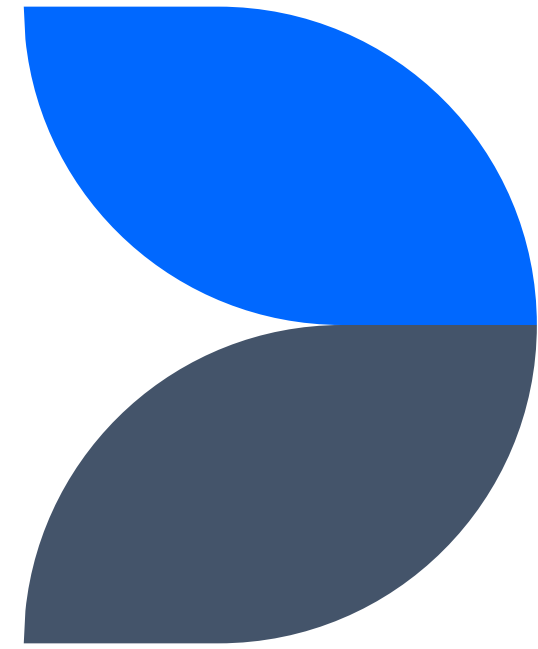


Thomas v. Chicago Park District

- The Chicago park district, a municipal agency responsible for operating public parks and other public property in Chicago, adopted an ordinance that required a person to obtain a permit in order to conduct a public assembly, parade, picnic, or other event involving more than 50 individuals. The ordinance allowed the park district to deny a permit application on any of 13 specified grounds, as, for example, where (1) the application was incomplete or contained a material falsehood or misrepresentation, (2) the applicant had damaged park district property on prior occasions and had not paid for the damage, (3) a permit had been granted to an earlier applicant for the same time and place, (4) the intended use would present an unreasonable danger to the health or safety of park users or park district employees, or (5) the applicant had violated the terms of a prior permit. The ordinance further provided that (1) the park district had to process applications within 28 days and to explain clearly the reasons for any denial; (2) an unsuccessful applicant had 7 days to file a written appeal to the park district's general superintendent, who had to act on the appeal within 7 days; and (3) if the general superintendent affirmed a permit denial, then the applicant could seek judicial review in Illinois state court by common-law certiorari.
- [Thomas v. Chi. Park Dist., 534 U.S. 316, 317](#)

Regulations of the use of a public forum that ensure the safety and convenience of the people are not "inconsistent with civil liberties but . . . [are] one of the means of safeguarding the good order upon which [civil liberties] ultimately depend." *Cox v. New Hampshire*, 312 U.S. 569, 574, 85 L. Ed. 1049, 61 S. Ct. 762 (1941)

Good Regulations Support Speech,
They Don't Suppress It



How Far Do Constitutional Protection Go?

Capitol Square Review and Advisory Board v. Pinette

The Klu Klux Klan sought a Permit to display a cross on the Square surrounding the Ohio State Capitol during December 1993.

The Board responsible for issuing permits for such a display denied the permit application, thought it approved others seeking to display religious symbols

State law made the Square a “Public Forum”

The Supreme Court of the United States upheld the right of the Klu Klux Klan to display a cross on public property.

(Although the Court was sharply divided)



So What Can the City Do?

Content Neutral Regulations aimed at the time, place and manner of display or activity are generally upheld;

The standards for approval of a display must be specific and reasonably enforced;

The standards must be evenly enforced for all applicants, regardless of the perceived opinion of the permit applicant by the public or the permit official

ADJOURN

An American flag is shown waving on a flagpole against a clear blue sky. The flag is positioned on the left side of the image, with its stars and stripes clearly visible.

City of
NORTH SALT LAKE

CITY COUNCIL
Meeting

September 3, 2024
7:00 p.m.

CITIZEN COMMENT

INFO / PUBLIC INPUT
Proposed Homeless Shelter Facility
1130 West Center Street

City Council's Position

- The City Council will consider a resolution formally adopting their position at this meeting.
- A shelter in North Salt Lake is the wrong location to serve the needs of Davis County's homeless population
- The County's Winter Response Task Force should continue to work to find a more central location in the County (August 1, 2025 deadline) – This is a County responsibility
- North Salt Lake has been a great regional partner in providing a variety of housing types and is committed to providing affordable housing (general plan, housing plan, more stats here)

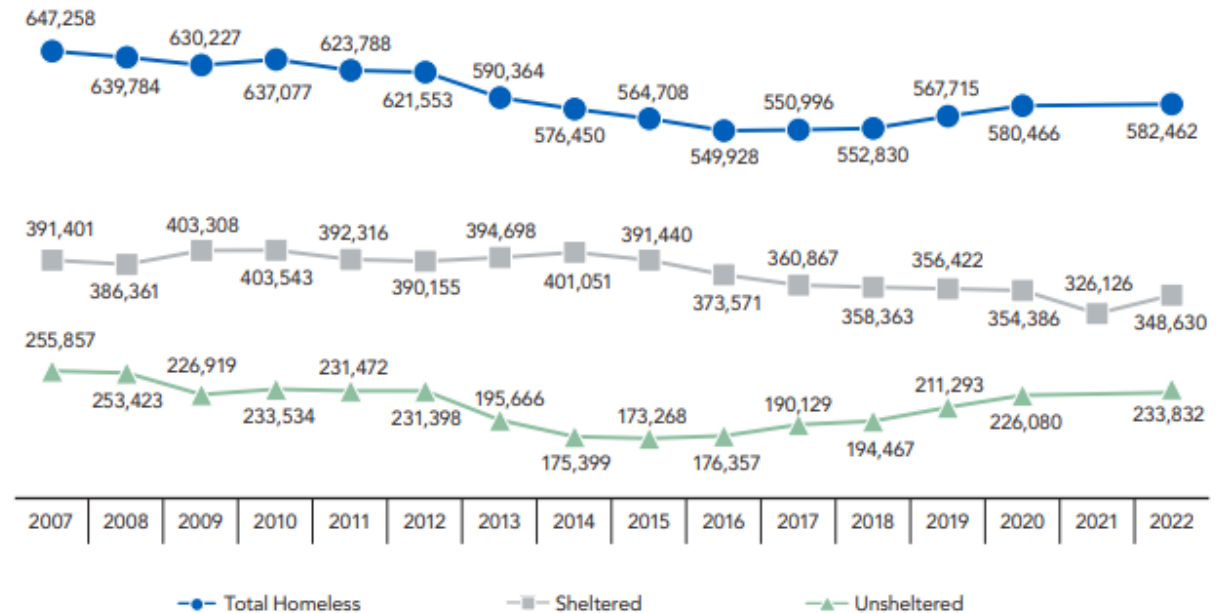
Rates of Homelessness

Rates of individuals experiencing homelessness per 10,000 people:

- **Utah - 11 per 10,000**
- Mississippi - 4 per 10,000
- South Carolina - 7 per 10,000
- Alabama - 7 per 10,000
- California - 44 per 10,000
- Vermont - 43 per 10,000
- Oregon - 42 per 10,000

U.S. Housing and Urban Development Annual Homelessness Assessment Report to Congress

EXHIBIT 1.1: PIT Estimates of People Experiencing Homelessness
By Sheltered Status, 2007-2022



Note: The data for 2021 does not display the total count of people experiencing homelessness or the count of all people experiencing unsheltered homelessness due to pandemic-related disruptions to counts. Additionally, estimates of the number of people experiencing sheltered homelessness at a point in time in 2021 should be viewed with caution, as the number could be artificially depressed compared with non-pandemic times, reflecting reduced capacity in some communities or safety concerns regarding staying in shelters.

<https://www.huduser.gov/portal/sites/default/files/pdf/2022-AHAR-Part-1.pdf>



GOVERNOR'S OFFICE OF
Planning & Budget



**WORKFORCE
SERVICES**
HOMELESS SERVICES

Homelessness in Utah

- State Law (Section 35a-16) requires Counties of the 2nd class to submit a Winter Response Plan by August 1, 2024 (Davis, Utah, Washington, Weber)
- The County's Winter Response Plan has two requirements: Provide a Code Blue solution and a Winter Shelter Plan
- Code Blue: A weather event where temperatures are expected to be 18° or below
- Winter Shelter is a temporary shelter between October 15 and April 30
- Winter Response Plan Requirements can also be met by providing a year-round permanent shelter facility – Davis County chose this option

Davis County

- Davis County submitted a Winter Response Plan by August 1, 2024
- The Plan proposed the use of a 20-seat heated bus as the designated Code Blue response (16 beds required)
- The Plan also said the County would provide a year-round permanent shelter facility by 2028 – Plan does not say anything about a North Salt Lake permanent shelter
- County has a required task force and a Local Homeless Council which both consented to the Winter Response Plan
- The Plan was rejected by the State of Utah because it did not identify sufficient funding resources for the Code Blue proposal

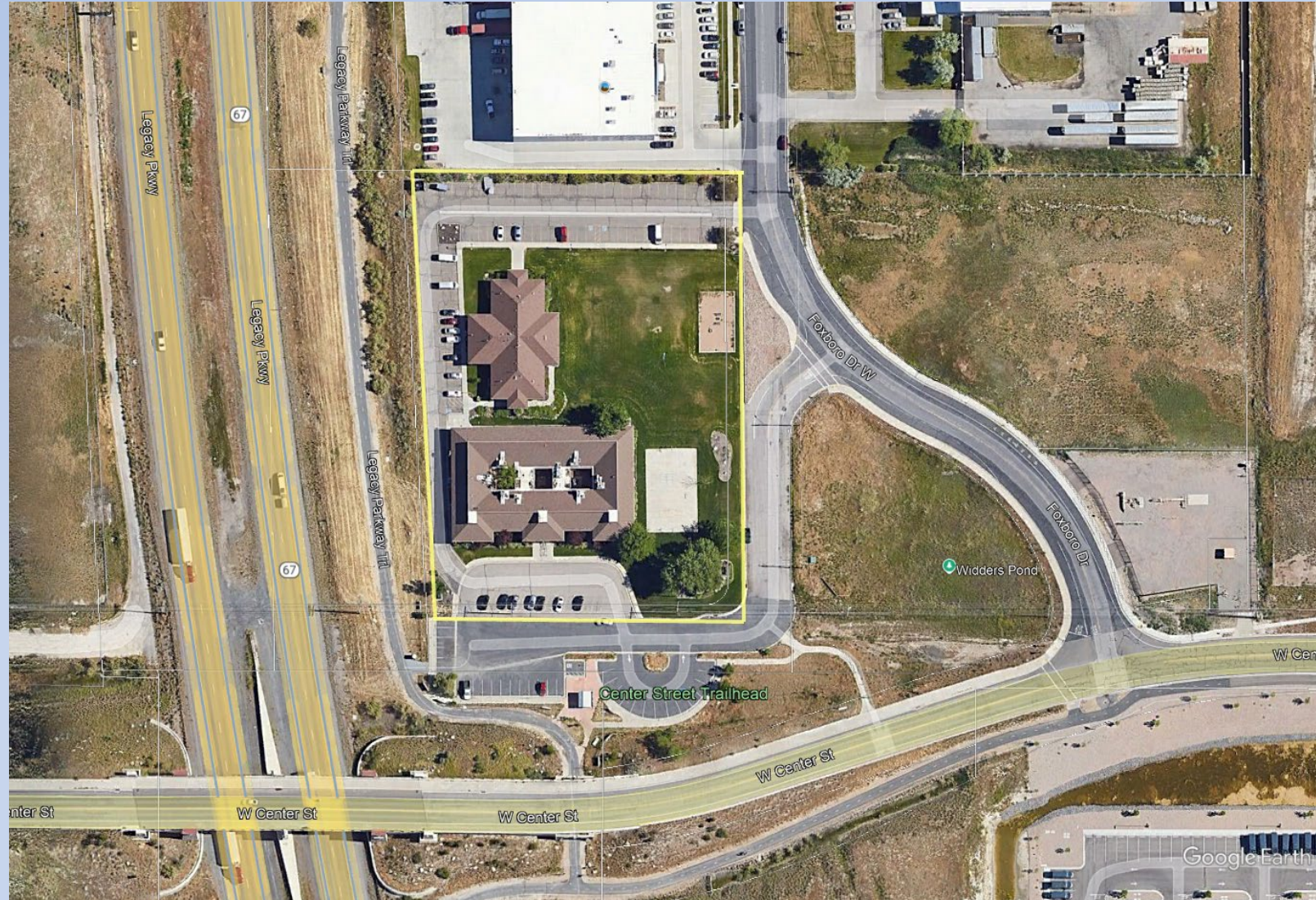
Davis County – What if the WRP is rejected?

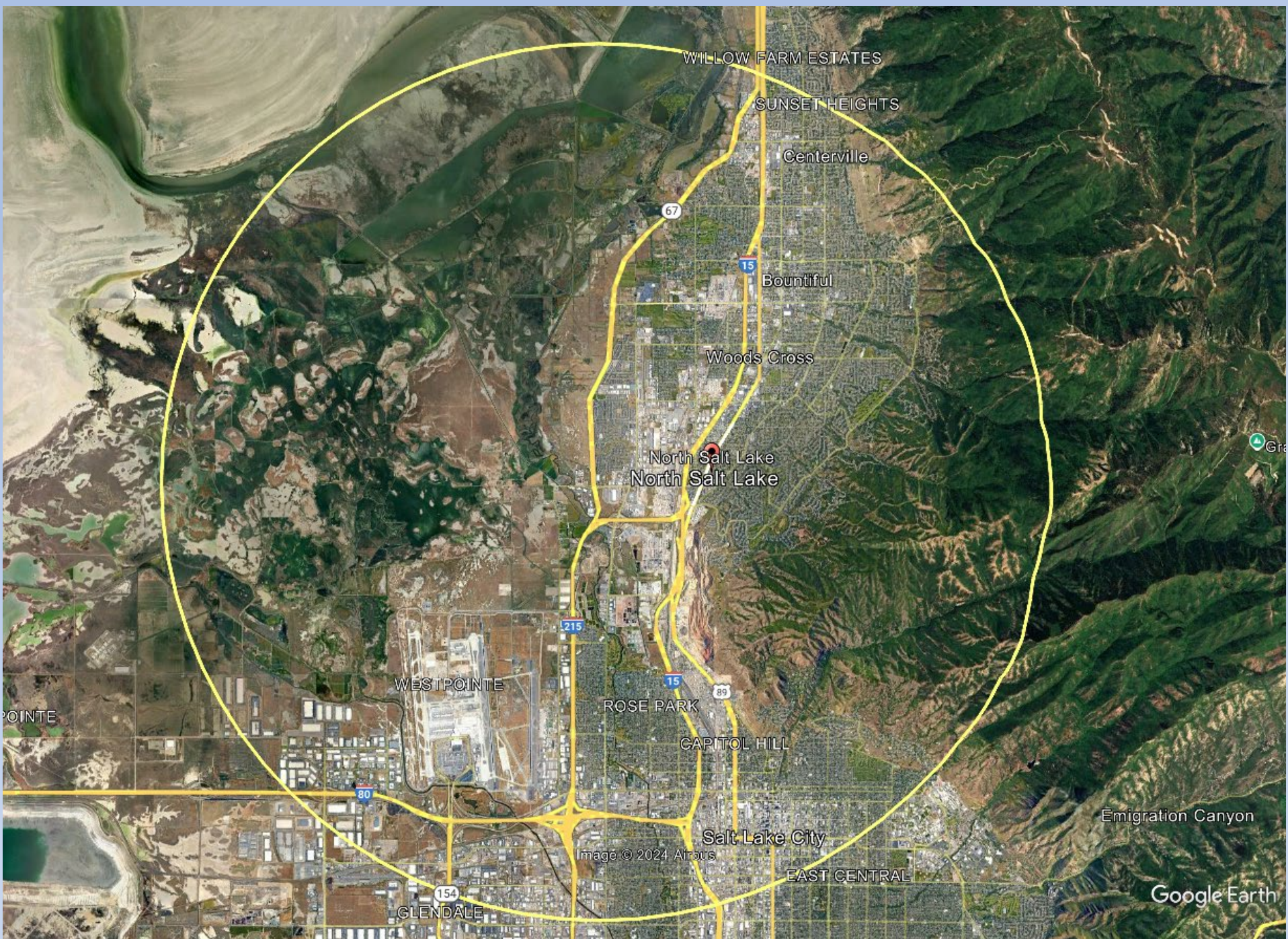
- State Code allows the Office of Homeless Services (OHS) to expand a homeless shelter in the County or establish a temporary winter response shelter
- This requirement applies for the next two winters (24/25 & 25/26)
- The OHS is not allowed to convert a temporary shelter into a permanent shelter after April 15, 2026 without a City's consent

North Salt Lake Proposed Shelter

Proposal: A permanent year-round homeless shelter at 1130 West Center Street operated by Switchpoint

3.6 acres-formerly Lifeline





7 mile radius includes
most of downtown SLC
down to California
Avenue and Centerville
about ¾ mile north of
Parrish Lane



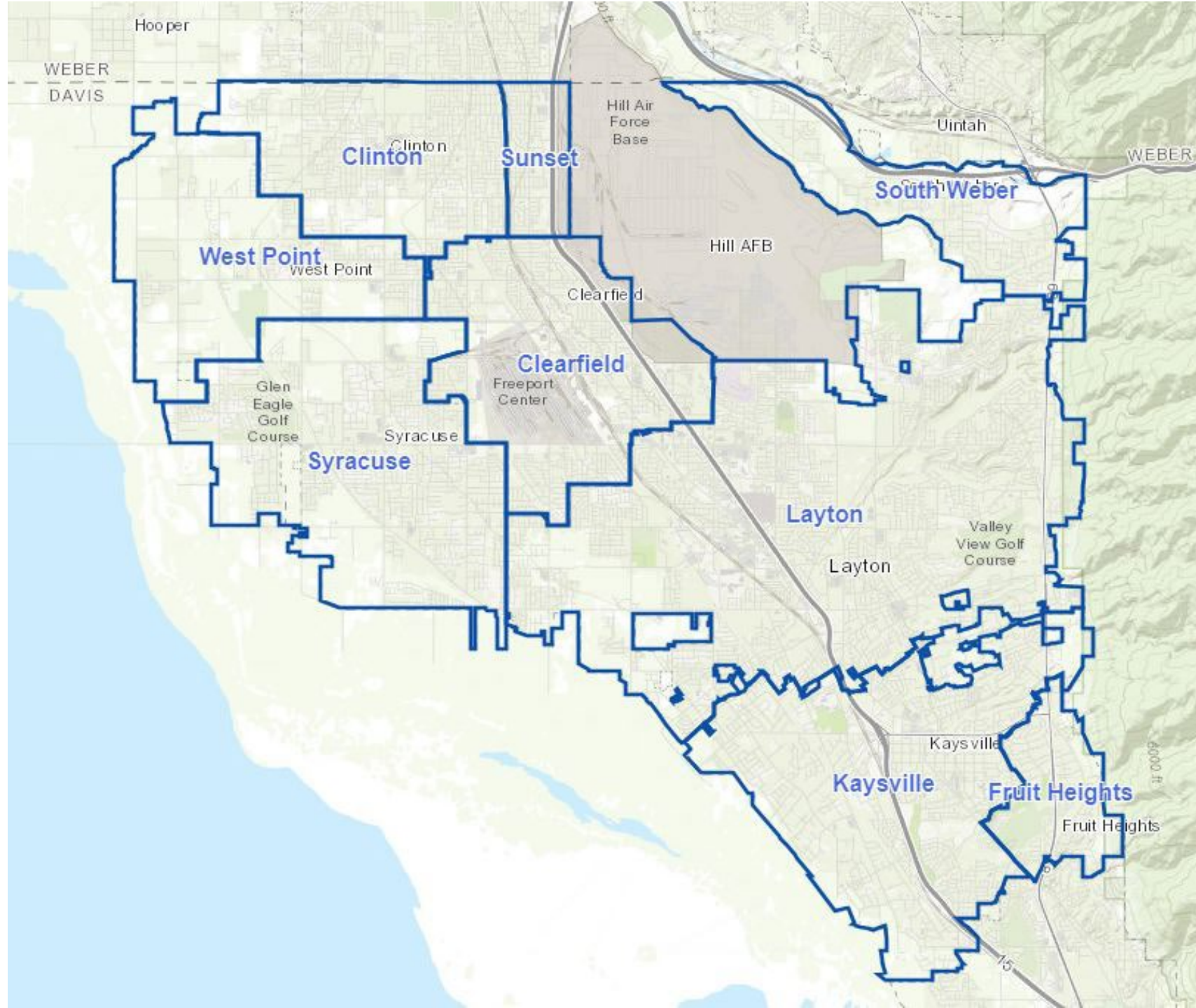
23 mile radius from proposed NSL site includes all of Davis County and most of the Salt Lake Valley



Radius that covers all of Davis County (12 miles) puts the center on the west side of Farmington.

Davis County Homelessness

- County has counted 65 individuals in the Point-in-time Count (PIT)
- County has exported over 200 people to other counties (mostly Salt Lake and Weber) in recent years
- The County's homeless populations are estimated to be located more in the central parts of the County such as Clearfield, Kaysville, Layton
- A homeless shelter facility in North Salt Lake does not address homelessness for Davis County populations



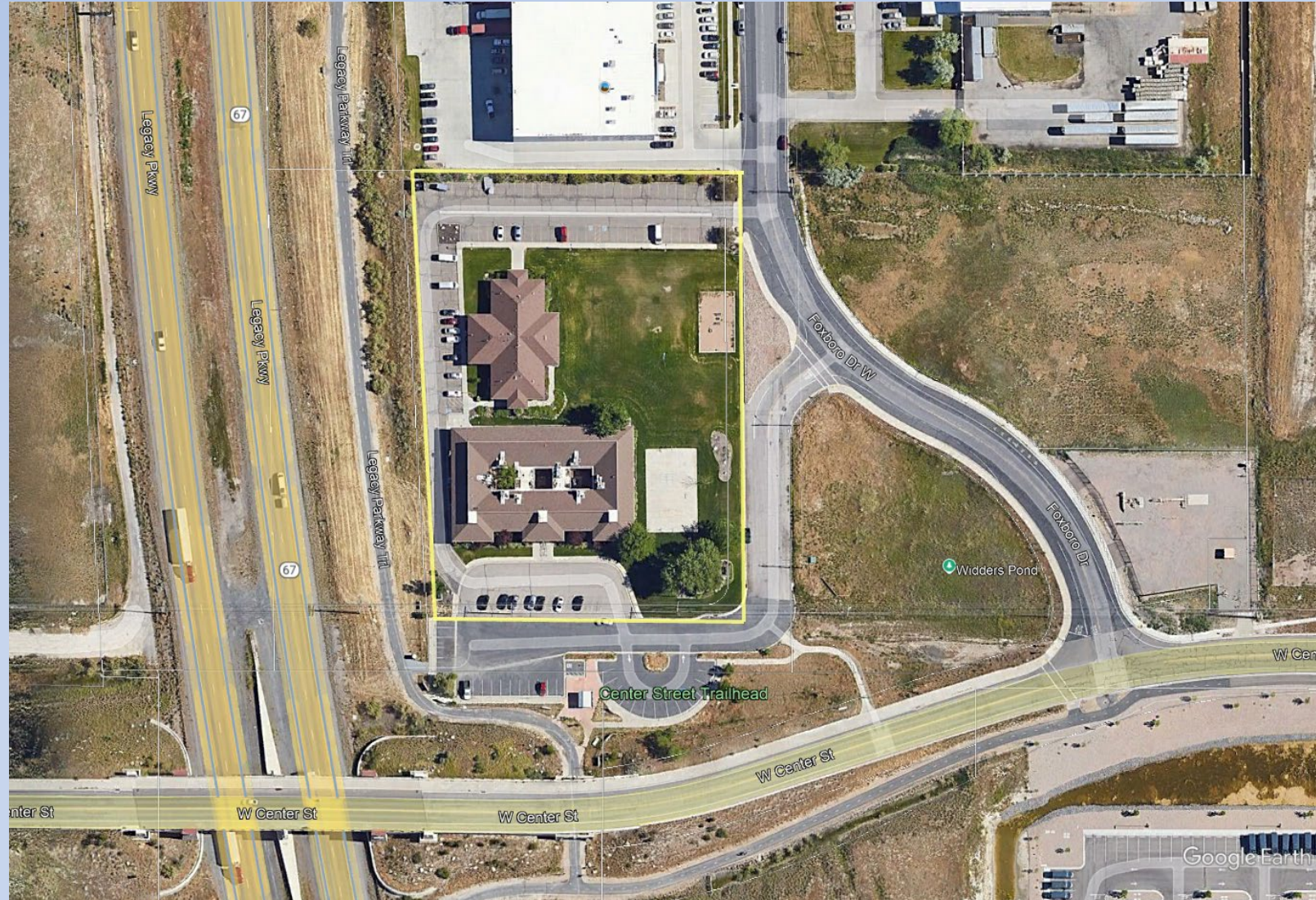
North Salt Lake Proposed Shelter

NSL facility – 80 beds

Tier 1 facility - \$350-500k annual assistance

City would work with persons not admitted or exited out of Switchpoint

City would have regular meetings with Switchpoint



Land Use Approval

- Property is zoned General Commercial
- Previous use was for a youth addiction recovery center and was approved by a conditional use process
- The City has not received any applications from Switchpoint
- City is obligated to be fair, equitable, reasonable and impartial
- City is in a formal process of amending the conditional use section of its land development code: current with State Law and add applicable and relevant conditions for all conditional uses

CITIZEN COMMENT

RESOLUTION 2024-30R

Affirming the City's Opposition
to a Proposed Homeless Shelter Within
the City Limits and Calling on Davis County
to Find a Location to Meet the Needs
of Davis County's Homeless Population

Proposed Motion

I move that the City Council approve Resolution 2024-30R: a resolution which affirmatively states its opposition to a proposed homeless shelter within the City limits and calls upon the County Commission, the Davis County Winter Response Task Force, and the Davis County Local Homeless Council to find a permanent year-round shelter location that more fully meets the needs of Davis County's homeless population.

HATCH PARK PHASING PLANS

PHASE 1



NORTH AREA

Demolition of Residences:	\$200,000
Construction Costs:	\$210,000
Soft Costs (FF&E, Fees):	\$15,000
subTOTAL	\$425,000

URBAN CORE AREA

Demolition of Residences:	\$200,000
Site Demolition:	\$275,000
Construction Costs:	\$100,000
Soft Costs (FF&E, Fees):	\$150,000
subTOTAL	\$725,000

COMMUNITY EVENT CENTER

Construction Costs (Inc. Site):	\$8,750,000
Soft Costs (FF&E, Fees):	\$750,000
subTOTAL	\$9,500,000

SOUTH PICKLEBALL AREA

Construction Costs:	\$2,900,000
Soft Costs (FF&E, Fees):	\$125,000
subTOTAL	\$3,025,000

BURIED OVERHEAD POWER

Construction Costs:	\$350,000
Soft Costs (RMP):	\$150,000
Soft Costs (FF&E, Fees):	\$25,000
subTOTAL	\$525,000

TRIANGLE AREA SOUTH OF CITY HALL

Construction:	\$1,500,000
Soft Costs (FF&E, Fees):	\$100,000
subTOTAL	\$1,600,000

TOTAL **\$15,800,000**

DESIGN SCOPE THRU 30% CD'S + ADD SERVICES

subTOTAL	\$400,000
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PHASE 2



PHASE 3



APPROVAL OF MINUTES

August 6, 2024

Proposed Motion

I move that the City Council approve the minutes of the August 6, 2024 meeting, as written.

APPROVAL OF MINUTES

August 15, 2024

Proposed Motion

I move that the City Council approve the minutes of the August 15, 2024 meeting, as written.

APPROVAL OF MINUTES

August 20, 2024

Proposed Motion

I move that the City Council approve the minutes of the August 20, 2024 meeting, as written.

ACTION ITEMS

COUNCIL REPORTS

CITY ATTORNEY REPORT

CITY MANAGER REPORT

ADJOURN