

Criminal mischief? Lehi police crack down on chalk art protest by children, moms concerned over gravel mine

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Salt Lake Tribune

<https://www.sltrib.com/news/politics/2019/04/04/criminal-mischief-lehi/>

THURSDAY, APRIL 4, 2019

Lehi children and mothers who recently decorated city pavement with chalk art protesting a potential new gravel pit are guilty of "criminal mischief," according to the city. On Tuesday, after city workers had scrubbed away the chalk hearts, mountains and messages politely reproaching Lehi government leaders, a police officer showed up at the house of one protester to confront her about writing on the steps and walkways of City Hall.



She wasn't home at the time, but the officer told the woman's husband that the chalk drawing on city property must stop.

"Although the chalk can be washed off with a pressure washer, it is defacing property and considered criminal mischief," city spokesperson Shaye Ruitenbeek wrote in an email.

The chalk protests and the city's response are just the latest salvos in a protracted local dispute over a development project situated just a stone's throw from existing homes in the Traverse Mountain community. Residents say city officials have pushed forward with the project plans without understanding the potential health risks and have resorted to bullying community members who are concerned about dust pollution from Geneva Rock's gravel mining operations at the site.

Using law enforcement to quash the chalk art protest is just the latest example of these strong-arm tactics, they say.

"This is a First Amendment issue. They're trying to silence our voices," said Cherise Udell, founder of Utah Moms for Clean Air. "If we were just doing butterflies and flowers, my guess is they would be fine with it."

Udell and local families over the past week have drawn chalk on sidewalks outside City Hall and on the city's Main Street to convey their concerns about how planned gravel mining could compromise local air quality.

"Welcome to the city of Geneva," protesters wrote on the steps of Lehi City Hall over the weekend.

Other messages called on officials to put clean air above mining interests and people before profits.

Ruitenbeek wrote that city parks workers cleaned the chalk off the steps and sidewalk of City Hall Monday and again on Tuesday. No one has been cited for the activity, she added.

Udell, who coordinated the chalk protest with members of Lehi Moms and Allies for Clean Air, a chapter of Utah Moms, thinks the city's crackdown is ridiculous.

"Everyone knows that chalk does no permanent damage and is easily washed off by the next storm. The same cannot be said of all the dust that is coming off of the mine into families' backyards," she said.

The city's approach also raises free speech concerns, she says, pointing out that many municipalities welcome chalk art on public sidewalks. It's not fair to quash the activity simply because the artwork contains a message the city doesn't like, she said.

The American Civil Liberties Union of Utah tends to agree.

A number of cases have affirmed a city's right to regulate sidewalk chalk and that this semi-permanent expression is different from passing out leaflets or holding a picket sign, said Leah Farrell, senior staff attorney with the ACLU of Utah. But local police can still get into trouble if they selectively enforce these rules, she said.

"When you have someone ... like a police officer coming to the home of someone for using chalk, is that the normal treatment of someone for the same behavior? I think that is a really good question," Farrell said.

Art is increasingly being used as a form of protest, she said, and the ACLU has stepped in numerous times to defend it.

The ACLU sued the city of Minneapolis over an activist's right to chalk an antiwar slogan on a public sidewalk outside a federal building in 2011. In a settlement of the case, the city agreed that writing with erasable chalk on public sidewalks is a protected First Amendment right in Minneapolis, according to the Star Tribune.

In Colorado, a woman last year was charged with criminal tampering for writing a message against the Trump administration's family separation policy in chalk on the pavement outside a congressman's office. The district attorney dismissed the charges after the ACLU of Colorado got involved in the case, a local ABC station reported.

The underlying controversy in Lehi revolves around a proposed development project approved by the city for the Traverse Mountain community. The plans call for the construction of a new housing subdivision, preceded by "significant grading" to flatten the hilly property.

Geneva Rock, a company that operates a nearby mine, has agreed to do this grading and will haul rock from the site to convert into gravel, cement and asphalt it can sell.

While Geneva argues this process, which could last for three years or more, does not constitute "mining," residents and the state's division of oil, gas and mining see it differently. And some residents say the new gravel pit, just 50 feet away from existing Traverse Mountain homes, will pollute the air breathed by children who live and attend school nearby.