

<u>REQUEST FOR COUNCIL ACTION</u>		MEETING DATE: 10/20/2014
AGENDA SECTION: Consent Agenda/Organizational Business	ORIGINATING DEPT: Park and Recreation	
ITEM DESCRIPTION: Overnight Use and Temporary Shelters within City Property		PREPARED BY: Mike Nigbur
<p>It seems every year we have more people using our more natural/wooded areas of City property and Parks after normal hours. As part of this recent increased activity, which often occurs in the fall, several questions were raised related to the authority to require removal of individuals from City properties.</p> <p>While overnight use in the parks are controlled by RCO. 45, there is no ordinance regulating the use of other City properties which are publicly owned, but not necessarily intended to be open to the public. Some of those city owned parcels may include: Flood Control lands, Storm Water Facilities, wetlands, RPU properties, etc.</p> <p>The City Attorney's Office has suggested the adoption of a Resolution which would prohibit overnight use of these city properties (non-park) unless authorization or a permit has been received. This resolution clarifies the ability to trespass individuals from the property. The trespass would then further allows the assistance of the police department if that proved to be needed.</p> <p>Additionally, the resolution should state that persons may not place or erect tents, temporary shelters, or camps within city properties without consent of the City.</p> <p>The intent of this resolution is not make it illegal to camp within City Properties, which would require an ordinance and potentially criminal prosecution for violation, but rather this instrument is to provide the City Staff the necessary authorization from the City Council properly manage our properties. Only in the event the person refuses to leave would this be processed under the State Trespass regulations.</p> <p><u>COUNCIL ACTION REQUESTED:</u></p> <p>Adopt a resolution prohibiting the overnight use of city owned/leased properties and the prohibition of the placement of temporary shelters, tents, or camps on said properties without consent of the City.</p> <p>RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS] MOVER: Mark Bilderback SECONDER: Mark Hickey AYES: Staver, Snyder, Bilderback, Wojcik, Hickey, Means ABSENT: Ed Hruska</p>		