



City of Homer

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Office of the Mayor

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Memorandum 19-137

TO: Katie Koester and the Homer City Council

THROUGH: Melissa Jacobsen, City Clerk

FROM: Ken Castner, Mayor

DATE: October 8, 2019

SUBJECT: Resolution Prohibiting the Removal of Vegetation within the Vehicular Right of Ways for the Period of Between October 1, 2019 and May 1, 2020

I am submitting a resolution for the Council's consideration that will place a moratorium of the continuing practice of Right of Way clearing that is taking place within many of the City's residential neighborhoods.

I have been asked for assistance by several residents that feel the City government has no respect for the privacy and comfort a buffer of vegetation provides between a person's home and the road it fronts. Complaints and protests are ignored and interactions between City workers and homeowners are often heated and adversarial.

I am asked "Who works for whom, here?"

Additionally, the City has rejected recognition and claims of covenant protections and processed Conditional Use Permits for activities that are not allowed by those covenant restrictions.

I request the Council pass the resolution and examine a more rational and sensitive approach to ROW maintenance policy during the winter moratorium period.

I also request that the Council obtain an opinion from the City Attorney regarding the prevailing Alaska law of the liability of municipal trespass and/or disregard of covenant protection.

Time is of the essence. The City has recently engaged in ROW surveying that is a prelude to an expansive cut in a neighborhood annexed by the City which is subject to all colors of title associated at the time of annexation. The timing of the survey has been interpreted as aggressively hostile and provocative. The City Council should have a much better understanding of the policy we will be asked to defend.