

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 Lord/Aderhold

4 **RESOLUTION 19-073 (S)**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 ESTABLISHING A MORATORIUM ON CUTTING, CLEARING OR  
8 REMOVAL OF TREES AND VEGETATION LOCATED WITHIN PUBLIC  
9 RIGHTS OF WAY (ROW) BETWEEN OCTOBER 15, 2019 AND MAY 1,  
10 2020 AND ESTABLISHING A ROW POLICY EVALUATION TEAM

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12 WHEREAS, For many years Public Works did not regularly maintain City Rights of Way  
13 (ROW), leading to overgrowth and recent increased vegetation clearing activities; and

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15 WHEREAS, The City adopted Ordinances 16-51 and 19-27(S) establishing Homer City  
16 Code 11.36 and outlining laws regarding the City of Homer's actions for public use of City  
17 ROW; and

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19 WHEREAS, This law does not address potential concerns in areas of steep slopes,  
20 landmark trees, traffic volume, zoning classification, or property covenants but is a "one size  
21 fits all" approach; and

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23 WHEREAS, The City has received complaints over the years about vegetation removal  
24 activities, including debris, noise, and scope of clearing in the rights of way; and

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26 WHEREAS, the Public Works Department has expressed concerns regarding the cost  
27 and time required to effectively maintain ROW across the City; and

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29 WHEREAS, The Homer City Council should examine opportunities to create a ROW  
30 maintenance policy that maintains city infrastructure, promotes visibility and safety, is cost  
31 effective, and appreciates adjacent landowner concerns; and

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33 WHEREAS, Such policy may require legal guidance in regards to both City and  
34 landowner rights and responsibilities under state and local laws, including private covenants.

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36 NOW, THEREFORE, BE IT RESOLVED that the City of Homer establishes a moratorium on  
37 cutting, clearing, or removal of vegetation located within public ROW between October 15,  
38 2019 and May 1, 2020; and

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40 BE IT FURTHER RESOLVED that during the aforementioned period, the City Council of  
41 Homer Alaska will evaluate the City's ROW maintenance policy by appointing two Council  
42 members to work with the City Manager and appropriate staff, as determined by the City

43 Manager, to propose alternative ROW maintenance policies to City Council no later than the  
44 last Council meeting in March, 2020; and  
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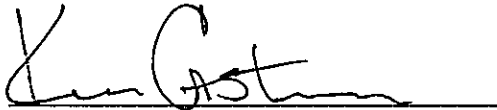
46 BE IT FURTHER RESOLVED that the evaluation team shall discuss and evaluate policy to  
47 include the following issues of concern:  
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- 49 1. Drainage, snow storage and plowing, sight distances, utility operations and  
50 maintenance, and equipment and emergency vehicle response
- 51 2. Steep slopes, traffic volumes, zoning districts, and property covenants
- 52 3. Debris cleanup and aesthetics, including landmark trees
- 53 4. Adjacent landowner concerns including timing and noise
- 54 5. Landowner maintenance options and opportunities
- 55 6. Legal rights and responsibilities of City and landowners, including enforcement
- 56 7. Cost of implementation

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58 BE IT FURTHER RESOLVED that in order to address these issues, the evaluation team may  
59 seek legal counsel from the City Attorney.

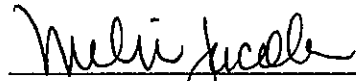
60  
61 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 14 day of October,  
62 2019.

63  
64 CITY OF HOMER

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68 KEN CASTNER, MAYOR  
69

70 ATTEST:

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73 MELISSA JACOBSEN, MMC, CITY CLERK  
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75 Fiscal Note: N/A

