

From: [roberta.vogel-leutung](#)
To: [Public Testimony](#)
Subject: Testimonial to Support Ordinance No. 250637
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Attachments: [Vogel-Leutung Support for Ordinance 250637.pdf](#)

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NPD Committee and Council Members,

Please accept this testimonial in support of Ordinance No. 250637. I am a former Environmental Management Commission member, with significant experience in native landscaping and community engagement, who has been erroneously cited on more than one occasion. This is our story.

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Dear Neighborhood Planning and Development Committee and City Council Members,

In the spring of 2003, our yard at 39th and Forest was featured in the Kansas City Star as an exemplar of neighborly native landscaping (see photo). As you can see, this shady front yard bursting with blooms of Columbine, Wild Geranium, and the buds of Wild Hydrangea, while robust, had a stone border along the sidewalk to demonstrate intention, and plants with appropriate height for the space. It was well designed, and in no way wildly overgrown, or inconsiderate of community culture. It was beautiful, and brought smiles to many people, every single day. Insects and birds delighted in the small sanctuary, reminding us of one of the many whys of native landscaping - bringing nature back to the concrete landscapes of cities.



More, it was the playground for roving bands of neighborhood children, where our five year old neighbor, was the garden protector. It was her job to make sure kids stayed on the stone paths, or jumped from rock to rock in the gardens, rather than stomping on live plants. This designation happened after I discovered a deeply eroded hillside in the previous fall, caused by the kids who were having fun making a slide of it, not realizing many dormant plants slept below the leaves.

This was a hard year for us. One of my 10 siblings passed away the previous October, and I moved to Atlanta to take care of her children, overnight. Upon my return, in late winter, my mom passed without me seeing her. We had moved to a home on Tracy, two blocks away, while I was gone, and we were rehabbing our Forest house to sell. We, and my finance's daughter, were also getting married at the end of summer. All this while working full

time for the Environmental Protection Agency. Whew!

Imagine my surprise, when in mid Summer, after a few days away (we were there most days), we returned to our Forest home to find the yard completely butchered. Not mowed, or gently trimmed, but butchered with weed whackers. Jagged stumps of plants were all that remained. Even small trees and shrubs were completely whacked down. I couldn't understand who would vandalize our yard this way. I cried, and cried, grieving for our hundreds of babies, and the five years of work we had put into it. It just didn't make sense.

After a few days, with regained composure, and many conversations later, I realized it was likely cut down by the city. I had recently resigned as an Environmental Management Commissioner, so naturally I called the head of the Department of Environmental Quality, who aghast, needed three days to find out what happened and return my call. He tried to make it right by enlisting the parks department to mulch the yard, hoping many roots remained and it would grow back. The reason? There was a weed complaint. We never got that complaint, because the city assumed the house was unoccupied and sent the notice to our California based mortgage company. Needless to say, we never received it.

Was it weedy? Did it need some management? Did it need to be brutally weed whacked? In the deepest summertime, the ground layer of any native forest does not look like the robust greens of spring. The forest floor often dries July - Sept, and plants may look a bit sad and droopy. That is natural. And, being in the urban core, there were a few small (2-3 ft max) weedy trees poking up between the natives on the slopes. That is all the photos from the codes inspector could show. As overwhelmed as we were, we didn't keep up with cutting back the small invasive trees (a forever task in the urban core). There were no other substantial weeds, because the native plants were dense and inhibited them. Thank goodness we had a contrasting photo from just two months prior, from The Star.

What was there? A native landscape a code enforcement officer did not have the training and skills to recognize and differentiate from weeds, and a grey code that didn't delineate the ways in which appropriate landscapes could have plants above the legal height, which was intended for unmowed and untended properties, both occupied and vacant. There was also a contractor, hired for the cutting, who didn't have the skills, knowledge, and foresight to recognize something was wrong with cutting down small trees and shrubs, let alone all the ground level flowers, when the only weeds were some invasive baby trees, easily removed by lopers.

A professional evaluation priced our loss at \$20 K. Yes \$20 K. Both plants and labor (our own) are expensive. The only reason we did not pursue compensation from the city was that the house was under contract, and the buyer did not back out after finding out what happened. We were not going to lose financially, but our hearts were very broken, and it took me years to be willing to landscape this way again.

After a few months passed, some commissioners formed a committee to respond to what happened to us, and the larger issue as it was occurring in the city, even as our situation was particularly egregious. Sadly, the person who oversaw the codes program and initiated the cutting, shrugged and showed zero empathy for our 20K loss during our initial meeting. It was a clerical error - not sending us the complaint directly - that was it. He couldn't see the bigger picture. Our committee saw an opportunity. The MO Department of Conservation and a commissioner teamed up to retrain codes enforcement officers who dealt with landscapes, on how to recognize a native landscape and differentiate what they were seeing from weeds. There are significant cultural and aesthetic issues at play here, which drive erroneous weed complaints.

Since that time, there have been many changes in structure and personnel dealing with landscaping codes. This has led to a lot of inconsistencies and frequent enough citations of landscapes that would be considered advantageous and compliant under the newly proposed codes as ordinance #250637.

During my career at EPA, I worked with city staff, MARC, and non-profits on a plethora of conservation, restoration, green infrastructure, and native landscaping projects, specializing in engaging communities in conserving, planning and acting in these areas. We emphasized the value of the conservation, return, or installation of natural systems for all people and communities in the city, with diverse, robust engagement. My favorite of these efforts was the generation of a guide for transforming vacant lots via native landscaping, led by the Urban Neighborhood Initiative and funded by EPA. If one takes the long view of all of the efforts the city has collaboratively engaged in, from green infrastructure, to climate adaptation, to parks development, to native habitat conservation and restoration, and the return of vacant lots to purposeful uses in communities, it is easy to see the good works and trend toward healthier, vibrant communities. This is what we collectively desire and need as a city. I have dedicated my retirement to just that - bringing more free native plants and native landscapes to the urban core. Stop by 27th and Troost, or Global One Urban Farming at 44th and Cypress to witness the beauty and joy they elicit, yourselves. Nothing is more disheartening than a abandoned, weedy street front or vacant lot, and the last thing we need is code citations for those working to bring more beauty and ecology to our neighborhoods!



And yet, our landscaping codes have not changed to reflect these efforts and their underlying values. Our city is internally inconsistent, wasting time and resources pursuing good actors when we have much more serious issues around poor landscape management by neglect. In short, we still have code enforcement complaints against completely legitimate native landscapes. I often help people who have been cited, navigate their distress. Recently, this was an elderly couple with a 15 year old prairie landscape, never previously cited. In

2022, our Tracy home, after it was featured on KCUR as an exemplar of lawn alternatives, was cited for tall grass and rank weeds. We did not have a single blade of "grass" in our lawn. What we do have is a small native sedge lawn in the semi-formal front of our home. Sedges look similar to grasses (see photos), but are typically less than two feet and clump, making a tidy gorgeous carpet in forest and other landscapes. The sedges we chose need no inputs once established and feed wildlife with their lovely seed heads. The codes enforcement officer was simply unable to properly



assess the situation (and it was not compliant driven) because he did not have the training, and knowledge to do so, and was working with outdated codes that have a grey mention of plant height. Obviously, I know this area well and didn't have trouble convincing him of his error (in addition to the erroneous citation for having a tarp on our front porch, when our house was being actively painted). However, many people don't have my background and connections, and it is very disruptive and expensive to have to drop everything and fight codes violations.

It is time for our city to cohere its values, goals, and policies such that native landscapes are witnessed and treated, via codes enforcement, as the ecologically and culturally contributing features that they are. This is a cultural shift around aesthetics, which can only happen in a

substantial way when we support native landscapes, which are wildly popular, as evidenced by sell out native plant sales in Kansas City. We must stop being punitive toward those who are demonstrating care for their world and community by creating better ecological landscapes and who use ecological practices. Please lend your support to ordinance #250637 and help us take one more step toward coherence and thriving as a city.

Thank you for your consideration,

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