

## Legislation Text

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**File #:** BILL NO. 21-87, **Version:** 1

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An Ordinance approving four Intergovernmental Agreements between the City of Lee's Summit, Missouri and the Missouri Department of Transportation to provide mowing and beautification services as part of the Adopt-A-Highway program and authorizing the Mayor to execute the same by and on behalf of the City. (PWC 4/12/21)

### Issue/Request:

An Ordinance approving four Intergovernmental Agreements between the City of Lee's Summit, Missouri and the Missouri Department of Transportation to provide mowing and beautification services as part of the Adopt-A-Highway program and authorizing the Mayor to execute the same by and on behalf of the City.

### Key Issues:

- The Lee's Summit Beautification Commission is a City board which exists to coordinate and promote beautification efforts in the City.
- Other the years the Commission has supported efforts to plant native landscapes along City and State rights-of-way to enhance the visual appeal of the City.
- The Commission uses a portion of the funds allocated to it to maintain natural landscapes along certain State rights-of-way, and the Missouri Department of Transportation does not provide the additional resources or money to maintain the landscapes in State rights-of-way.
- The City, on behalf of the Lee's Summit Beatification Commission, wishes to provide financial and staff support to maintain the native landscapes planted by the Commission in the State rights-of-way; to provide such support, the State requires the City to enter into an Adopt-A-Highway application and agreement.
- The City and Missouri Department of Transportation with to enter into an Intergovernmental Agreement to outline the terms and conditions associated with the provisions of the aforementioned Adopt-A-Highway agreement.

### Proposed City Council Motion:

FIRST MOTION: I move for second reading of an Ordinance approving four Intergovernmental Agreements between the City of Lee's Summit, Missouri and the Missouri Department of Transportation to provide mowing and beautification services as part of the Adopt-A-Highway program and authorizing the Mayor to execute the same by and on behalf of the City.

SECOND MOTION: I move for adoption of an Ordinance approving four Intergovernmental Agreements between the City of Lee's Summit, Missouri and the Missouri Department of Transportation to provide mowing and beautification services as part of the Adopt-A-Highway program and authorizing the Mayor to

execute the same by and on behalf of the City.

Background:

The City of Lee's Summit allocates funds annually for use by the Lee's Summit Beautification Commission ("Beautification Commission") for the purpose of promoting beautification efforts in the City and to coordinate and promote projects for the beautification of the City. The Beautification Commission uses a portion of this annual allocation to support activities that enhance native landscapes and visual appeal of the City.

In 2016, the Beautification Commission created and approved a Citywide Right-of-Way Enhancement and Beautification Study for the purpose of identifying various City and MODOT right-of-ways that would benefit from either maintained landscaping or native planting. Partners in developing the plan included Lee's Summit Parks and Recreation staff, Beautification Commission, MODOT, Audubon Society of Greater Kansas City, Missouri Department of Conservation and Habitat Architects.

Coinciding with the approval of this study (2016/2017), the Audubon Society of Greater Kansas City ("Audubon Society") received a grant from the US Fish and Wildlife Service to support the planting of roughly forty acres of MODOT right-of-ways with native wildflowers for the purpose of revitalizing Monarch Butterfly habitats. The selected right-of-ways included various medians and shoulders along Highway 291, Highway 50 and I-470. The Audubon Society used grant funds to contract with Habitat Architects on the initial site preparation, weed mitigation and seeding. MODOT's obligation was to appropriately maintain the right-of-ways after the initial seeding was completed to ensure successful establishment of the native plants. This included facilitating any special mowing or weed mitigation in addition to its typical right-of-way maintenance schedule. The Beautification Commission supported this project but had no obligations in the execution of the grant requirement. Nor did it have any requirements in the ongoing maintenance of these sites.

In 2018 the Audubon Society observed that the right-of-ways were not being properly maintained by MODOT. In attempts to mitigate the overgrowth of noxious weeds, the Audubon Society requested that the Beautification Commission coordinate the maintenance of these locations in partnership with MODOT and contractors. The Beautification Commission informally assumed this role in 2018. Since then, the Beautification Commission has been the coordinating agency on this project, working in partnership with Lee's Summit Parks and Recreation, MODOT and Habitat Architects.

Given the ongoing maintenance schedule and the need for City staff and funding resources, the Beautification Commission has determined that it wishes to continue beautification efforts for the right-of-way locations noted in Exhibit A. To continue with the project the Missouri Department of Transportation and the City have determined that it is essential to formalize the partnership an approved Adopt-A-Highway Beautification Agreement for each location. The Intergovernmental Agreements, attached to the Ordinance as Exhibit A, provides for an Adopt-A-Highway Beautification Agreement granting the City of Lee's Summit the ability to maintain the right-of-ways for a period of three years on behalf of the Beautification Commission.

Impact/Analysis:

The City has a positive history of supporting various beautification initiatives and programs on behalf of the Beautification Commission. Native wildflowers are vital for the support of biodiversity contribute toward a sustainable environment by providing a lifeline for pollinators including bees, insects and butterflies as well as

habitats for regional and migratory birds and other animals. Native plantings require less fertilizer and maintenance over time and enhance the visual appeal of roadsides and medians during the spring and summer months.

Financial impact of this project to the City is anticipated to be no more than \$8,000 annually. Annual implementation costs to execute the agreements include:

- Coordinating with Lee's Summit Parks and Recreation and its mowing vendor for any mid-season mowings not covered by MODOT's regularly scheduled mowings.
- Contracting with Habitat Architects on any weed mitigation or seeding needed throughout the year.

MODOT is treating the right-of-ways as Adopt-a-Highway Beautification Agreements as does not provide any site maintenance beyond regularly scheduled mowing and weed mitigation efforts. Staff notes that by entering into these agreements the City assumes the risk associated with maintaining MODOT right-of-ways as well as in providing third-party contractors with access to the sites in order to conduct work. This project also requires identifying the appropriate City staff to serve as the coordinator and point of contact between the partner entities.

Glenda Masters, Cultural Arts Manager/Beautification Commission Staff Liaison

Recommendation: Staff recommends approval.

Committee Recommendation: The Public Works Committee voted unanimously 3-0 (Councilmember Shields "Absent"), to recommend to City Council approval of an Ordinance approving four Intergovernmental Agreements between the City of Lee's Summit, Missouri and the Missouri Department of Transportation to provide mowing and beautification services as part of the Adopt-A-Highway program and authorizing the Mayor to execute the same by and on behalf of the City.