

# STAFF REPORT

DATE: 08/28/2025

TO: Bel Aire City Council

FROM: Paula Downs

RE: Sidewalk Reimbursement Program

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## STAFF COMMUNICATION

FOR MEETING OF	9/2/2025
CITY COUNCIL	
INFORMATION ONLY	

**SUMMARY:** Resolution Establishing the City of Bel Aire Sidewalk Reimbursement Program for Fiscal Year 2025 and Adopting Program Policy Document.

### General Information:

***K.S.A. 12-1808. Repairs by owner or city; notice; special assessments; payment from general fund or general improvement fund, when.*** It shall be the duty of the owner of the abutting property to keep the sidewalk in repair.....; and in cities of the first and second class the city engineer, or city clerk, may, after giving five days' notice to the owner or his or her agent, if known, of the necessity therefor, and without notice if the lot or piece of land is unoccupied, make all necessary repairs at any time. Repairs may be made by force account or by contract and an account of the cost thereof shall be kept and reported to the governing body.

*The city shall by ordinance levy a special assessment against the lot or piece of land abutting on the sidewalk so repaired for the cost of repairs, and if the abutting property owner does not pay the assessment within thirty days, upon the city clerk mailing to the owner or his or her agent, if known, a printed or written notice of the amount of such repairs, the full amount shall be certified by the city clerk to the county clerk to be put on the tax rolls for collection like other taxes. The temporary financing of repairs may be borne by the city out of the fund for maintaining streets or out of the general fund or general improvement fund...*

### City Code, Chapter 11, Article 3, Paragraph 25 & 26- Sidewalk Repair.

*It shall be the duty of the owner of the abutting property to keep the sidewalk in repair. When it becomes known to the City Clerk or City Sidewalk Inspector, by personal observation or citizen complaint, that a sidewalk or a portion thereof, has been damaged or deteriorated to the extent it is unsafe or creates a nuisance, said City Clerk or City Sidewalk Inspector shall provide the abutting landowner written notice of the sidewalk defect. Said written notice shall apprise the abutting landowner of his duty to repair the sidewalk to the standards provided herein, and provide a reasonable time based upon current weather conditions, for said owner to make the necessary repairs and have said repairs inspected by the city. Said notice shall further inform the abutting landowner of the city's right to repair said sidewalk defects if said landowner fails to make the necessary repairs within the time provided.*

*If the abutting landowner fails to make the necessary sidewalk repairs within the time provided in said notice, the city shall make the necessary repairs with city staff or an outside contractor and bill the abutting landowner for all costs incurred in said repairs. Should said bill remain unpaid for thirty (30) days, the city may exercise all options available under the law to collect said bill including certifying said amount to the County Clerk to be collected as a tax assessment pursuant to K.S.A. 12-1808.*

## **Background Information:**

### **City Council Meeting- August 5, 2025**

The City Council was presented with a draft Sidewalk Replacement Program document and application. The staff report provided data on the program from 2021 – 2024. Data included the program budget, number of applications received and awarded, square foot or number of slabs of sidewalk replaced, and total dollars spent. In 2024, the budget allocation for the program was \$15,000 with the City paying 100% of replacement costs. In addition, the City contracted to have the work completed on behalf of the citizens.

When reviewing the program, staff provided information on the program process and liability concerns moving forward with the previously approved project. Several concerns were listed in the staff report for City Council to review and discuss.

For discussion purposes, staff provided several program options for the City Council to consider. The Council reviewed the program document and discussed how to move forward with the program the following directives were provided:

1. Applications should not be carried over between years. Citizens will be provided reimbursement based on application approval on a first come first serve basis.. If the funds are exhausted Citizens would need to repair/replace the sidewalks in front of their property at their expense as required.
2. The City should not coordinate or seek bids for the replacement of sidewalks.
3. Language should reflect “up to 100%” of cost vs “100%” of cost.
4. The program indicated that specifications for replacement were based on 5’ sidewalks. Staff confirmed that in some areas of the City sidewalks are smaller and that language should be modified accordingly.
5. The program will require that applications be approved before work is completed.

City Council discussed the reimbursement percentage to citizens for sidewalk replacement and allocating an increased program budget to accommodate needs. These issues were not determined during the meeting.

The City Council moved to table the issue to allow staff time to update the program details as discussed during the meeting.

## **Current Discussion:**

Staff reviewed the program document and application and made the following updates:

1. Program was retitled “Sidewalk Reimbursement Program”.

2. Program language was updated to include repair/replacement vs. replacement only
3. The word “grant” was removed and replaced with “reimbursement”. This accurately reflects the program process.
4. Updated document did NOT update the criteria to alter the percentage of reimbursement. The language states citizens, if approved, will receive 100% reimbursement. Including language that says “up to 100%” will require staff being clear about what percentage to reimburse.
5. Removed the criteria related to reimbursement will be made based on measurements and cost per square foot. Reimbursement will be approved based on project scope documents and on-site review by City staff to confirm the need for replacement.
6. Removed the criteria that carried over requests for reimbursement to the following year.
7. Updated language to ensure that sidewalks being replaced match the size of the abutting sidewalk panel sizes. This allows citizens to replace the sidewalk panel to match their current sidewalk size.
8. Removed the statement that the City will coordinate the replacement of sidewalks and bid the project as one job.
9. Added language stating that contractors performing work are required to be licensed in Bel Aire.
10. Added language to the program document and application that to receive reimbursement, the application must be approved prior to work being done and city staff will evaluate the sidewalk at the time of receiving the application as part of the approval process. This allows the City to confirm work needs to be done and advises citizens that work cannot be done prior to application approval.

### **Staff Recommendation**

Staff recommends approval of a resolution establishing the City of Bel Aire sidewalk reimbursement program for fiscal year 2025 and adopting program policy document.

# STAFF REPORT

DATE: 07/29/2025

TO: Bel Aire City Council

FROM: Paula Downs

RE: Agenda

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## STAFF COMMUNICATION

FOR MEETING OF	8/5/2025
CITY COUNCIL	
INFORMATION ONLY	

### **SUMMARY:** Discussion of City of Bel Aire Sidewalk Replacement Program

#### **General Information:**

***K.S.A. 12-1808. Repairs by owner or city; notice; special assessments; payment from general fund or general improvement fund, when.*** It shall be the duty of the owner of the abutting property to keep the sidewalk in repair.....; and in cities of the first and second class the city engineer, or city clerk, may, after giving five days' notice to the owner or his or her agent, if known, of the necessity therefor, and without notice if the lot or piece of land is unoccupied, make all necessary repairs at any time. Repairs may be made by force account or by contract and an account of the cost thereof shall be kept and reported to the governing body.

*The city shall by ordinance levy a special assessment against the lot or piece of land abutting on the sidewalk so repaired for the cost of repairs, and if the abutting property owner does not pay the assessment within thirty days, upon the city clerk mailing to the owner or his or her agent, if known, a printed or written notice of the amount of such repairs, the full amount shall be certified by the city clerk to the county clerk to be put on the tax rolls for collection like other taxes. The temporary financing of repairs may be borne by the city out of the fund for maintaining streets or out of the general fund or general improvement fund...*

#### **City Code, Chapter 11, Article 3, Paragraph 25 & 26- Sidewalk Repair.**

*It shall be the duty of the owner of the abutting property to keep the sidewalk in repair. When it becomes known to the City Clerk or City Sidewalk Inspector, by personal observation or citizen complaint, that a sidewalk or a portion thereof, has been damaged or deteriorated to the extent it is unsafe or creates a nuisance, said City Clerk or City Sidewalk Inspector shall provide the abutting landowner written notice of the sidewalk defect. Said written notice shall apprise the abutting landowner of his duty to repair the sidewalk to the standards provided herein, and provide a reasonable time based upon current weather conditions, for said owner to make the necessary repairs and have said repairs inspected by the city. Said notice shall further inform the abutting landowner of the city's right to repair said sidewalk defects if said landowner fails to make the necessary repairs within the time provided.*

*If the abutting landowner fails to make the necessary sidewalk repairs within the time provided in said notice, the city shall make the necessary repairs with city staff or an outside contractor and bill the abutting landowner for all costs incurred in said repairs. Should said bill remain unpaid for thirty (30) days, the city may exercise all options available under the law to collect said bill including certifying said amount to the County Clerk to be collected as a tax assessment pursuant to K.S.A. 12-1808.*

### **Sidewalk Replacement Program History:**

The program was initiated in 2021 because the “Bel Aire City Council believes there is a benefit to all citizens for sidewalks to be in good condition. Therefore, this policy promotes sidewalk improvements and repairs by assisting property owners with such projects.” Homeowners are required to apply, and if they meet the application criteria, the grant program covers 100% of the replacement cost.

#### **2021 Program:**

- \$10,000 program budget
- 25 applications received and 21 grants awarded
- Replaced a total of 1,586 square feet of sidewalk
- Approximately \$16,000 spent

#### **2022 Program:**

- \$15,000 program budget with the requirement that the City contractor be utilized for the work. Budget was increased due to the total dollars spent in 2021
- 23 applications received and 20 grants awarded
- Replaced a total of 1,860 square feet of sidewalk
- \$12,608 spent

#### **2023 Program:**

- \$15,000 program budget
- 12 applications awarded
- 47 sidewalk slabs replaced

#### **2024 Program:**

- \$15,000 program budget
- 25 applications awarded
- Replaced a total of 1,277 square feet of sidewalk
- \$17,927.00 spent
- “Requests in 2024 not funded may receive priority for 2025 if the program continues”:
  - In 2024 there were two (2) applications received that did not receive grant funds
  - Applications requested a total of 340 square feet of sidewalk replacement
  - Estimated costs were \$3,600

Each year the City Council approved, and the Mayor signed the Policy Document. An ordinance was not prepared in support of the program.

## **Program Process:**

1. The city notified the community via Utility Bill inserts and website that the Sidewalk Replacement Program was available.
2. In 2024, applications were not received for the program. As a result, Planning & Zoning staff marked sidewalk locations in the city that were in “high traffic” areas- such as sidewalk leading to parks or were in need of repair.
3. Courtesy Notice Letters were sent to residents by the Code Enforcement Officer. Letters stated that the City had “received bids for the concrete work to be done and they will be starting in the coming month.” The letter provided cost information for the sidewalk repair abutting their home.
4. Homeowners were instructed to submit the Sidewalk Replacement Program Application.
5. Planning & Zoning staff then notified the sidewalk contractor and directed them to replace the identified sidewalks from the applications received and approved.
6. The City directly received the invoice from the contractor and paid the invoice for the sidewalk replacement costs.

## **Sidewalk Replacement Program Concerns:**

1. Liability concern:
  - a. Example: someone trips and is hurt on a sidewalk marked by City staff for the program.
  - b. If the sidewalk is not replaced because of grant funds being exhausted concerned the City could be liable.
2. Sending out Courtesy Notice letters from Code Enforcement and opening a case on properties where the City has identified the need for sidewalk repairs:
  - a. If we open a case, notify the homeowner and they don't fill out an application for grant relief or they submit an application and funds are exhausted- what do we do with the case?
  - b. We know the sidewalk is in disrepair, the homeowner is responsible for the repair, we have sent a courtesy notice- do we just close the case knowing the sidewalk is in disrepair or do we move through the Code Enforcement process which leads to municipal court?
3. City hiring a contractor to complete work:
  - a. The sidewalk replacement program only removes the old sidewalk and replaces it with a new sidewalk.
  - b. Courtesy Notice clearly states that the City's contractor will not be completing any irrigation or landscape work. Homeowners are told to mark their sprinklers and if damage occurs the contractor/City is not responsible. This is due to the sidewalk, irrigation and landscaping is in the right of way area. This has created conflict in the past with homeowners.
  - c. City directly works with the contractor to schedule work, oversee work and directly pay the invoices received from the contractor for the project. City then becomes responsible for the work and what happens with the contractor instead of the homeowner being responsible.

## Program Options:

General note for program options: The city will advertise the program through utility billing inserts, social media posts, and website posting. If applications are not received the City will NOT identify sidewalks and send specific letters to homeowners to utilize the grant funds. The city will only respond to applications filed.

1. Continue the program as established with the current process (not recommended)
2. Continue the program as established (100% payment) with the following exceptions:
  - a. The city does not mark sidewalks
  - b. The city does not send out courtesy letters
  - c. The city establishes an on-call contract for homeowners to utilize. This provides a negotiated confirmed price.
  - d. The application process requires more complete information along with a proposal cost from contractor for sidewalk repairs
  - e. The city evaluates the application and reviews the sidewalks submitted for repair before approving or denying applications.
  - f. If homeowners receive grant approval, they will pay for repairs and then submit their invoice for grant reimbursement.
  - g. Other program elements may need to be modified to limit city liability.
3. Implement program as described above in #2 and modify the grant amount received per homeowner- potential options:
  - a. Establish a maximum grant reimbursement amount. Example: \$750.
  - b. Establish a shared cost amount. Example: Homeowner pays 50% / Grant Reimbursement 50%. Could be any shared cost percentage.
  - c. Establish a maximum panel or square foot per homeowner for sidewalk replacement. Example: Grant will replace two (2) sidewalk panels per application.
4. Any combination of suggested options presented by staff or recommended by City Council.
5. Establishing a City CIP program that replaces sidewalks in the city:
  - a. Requires establishment of program process
  - b. Could utilize powers set out in KSA 12-1808 related to assessments
  - c. Would require identifying sidewalks throughout the City
  - d. Would require approval of a significantly increased budget
  - e. City program would put sidewalk responsibility on the City to manage
6. End program

**CITY OF BEL AIRE**  
**SIDEWALK REPLACEMENT PROGRAM**  
**Fiscal Year 2025**

**I. POLICY STATEMENT**

The City of Bel Aire values pedestrian safety and walkability for its residents. K.S.A. 12-1808 of the Kansas Statutes mandate that property owners keep sidewalks in good repair. City Code- Chapter 11, Article 3, Paragraphs 25 and 26 (11.3.25 & 11.3.26) speak directly to sidewalk repair responsibilities. For this reason, the Bel Aire City Council believes there is a benefit to all citizens for sidewalks to be in good condition. Therefore, this policy promotes sidewalk improvements and repairs by assisting property owners with such projects.

**II PURPOSE**

The purpose of this policy is to assist property owners with replacing sidewalks in disrepair. This policy establishes guidelines and requirements for monetary assistance of costs associated with these activities.

Objectives include:

1. Promoting homeowners proactively replacing the dangerous and unsafe sidewalks along their property to reduce the risk of injury to pedestrians utilizing the sidewalk.
2. Enhance the neighborhood walkability.
3. Ensure surface conditions are safe for pedestrians and / or persons confined to wheelchairs.

*Although this policy does not address petitions for new sidewalks, Bel Aire values walkability and encourages residents to petition the City to establish improvement districts addressing cost sharing of the installation of new sidewalks in areas where sidewalks have not existed to enhance pedestrian safety. Residents should contact City Hall about initiating the petition process.*

**III POLICY**

The City Manager may award grants to property owners which meet the following criteria:



**Criteria for consideration of a sidewalk grant:**

1. The City of Bel Aire will reimburse property owners for one hundred percent ( 100%) of the cost of a city approved public sidewalk repair located in the public right of way along the street easement. This reimbursement is not intended to remove or transfer any property owner's statutory responsibility to maintain safe and navigable sidewalks and warn the public of dangerous conditions on or along an owner's section of sidewalk.
2. Reimbursement will occur based on measurements and cost per square foot determined by the City. Measurements will be rounded to the nearest foot.
3. This policy applies only to projects undertaken within the 2025 calendar year.
4. Grants will be awarded on a first come basis. The City reserves the right to prioritize replacements based on need for replacement and budgetary considerations.
5. Requests in 2025 not funded may receive priority for 2026 if the program continues, however homeowners should make replacement timing decisions based on safety.
6. Sidewalk construction must comply with Bel Aire city codes regarding specifications for 5' sidewalks.
7. The City will pay for the installation of ADA approaches on corner lots and make those arrangements separately from the grant.
8. A permit is required for sidewalk installations and must be approved by the City building inspector.
9. Applications must be received at City Hall by October 15, 2025 for consideration.
10. Payment will be made on the regular payment schedule for the City.
11. The City of Bel Aire reserves the right to refuse reimbursement based on:
  - a. The condition of the sidewalk upon final inspection as determined by the City inspector.
  - b. Non-compliance with City Code and/or this policy through the installation process.
  - c. Depletion of funding for the program due to amount of applicants or available funds.
12. All degraded sections or the entire sidewalk must be included in the application.
13. Coloring must match a driveway or adjacent public sidewalks.
14. Minor sections of new sidewalks must link to existing sidewalks.

**Sidewalk qualification guidelines:**

1. Slab(s)with a  $\frac{3}{4}$ " or more offset between slabs / joints.
2. Slab(s)with a severely cracked, spalding, or with pieces missing.
3. Slab(s)that is cracked with unstable or rocking sections.
4. Slab(s)that has a slope crossway of more than 1" in 12".
5. Slab(s)that has a horizontal separation due to cracking between adjacent panels of

walk or more that 1" which is a bicycle tire or high heel hazard.

6. Slab(s) settlement that causes accumulation of water or ice.

**Miscellaneous:**

1. The owner of property abutting a sidewalk is responsible for all maintenance of said sidewalk and accountable for all City Code Enforcement notices, regardless of grant approval. The applicant/owner is not relieved from any liability for future replacement, repair, maintenance or keeping sidewalk clear on the applicant's property.
2. The City will coordinate the replacement of sidewalks based on grants and requests for such work. The City will bid the replacement projects as one job and inspect as repairs are made by the contractor.
3. Program only applies to public sidewalks.
4. Property owners are responsible for all costs associated with sprinkler repair, driveway repair/replacement or retaining wall repairs.
5. If a tree root caused the sidewalk to heave, the property owner must contract to have the tree removed prior to sidewalk repair. Said removal of the tree and stump will be at the property owner's expense.
6. Sidewalks that lead to a house are not eligible.
7. Non-profit or taxing entities are not eligible for this program.
8. Only work done by licensed Bel Aire contractors are eligible for reimbursement unless the work is done by the property owner having a proper permit.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by the Bel Aire City Council.

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Jim Benage, Mayor

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Melissa Krehbiel, City Clerk



# CITY OF BEL AIRE

Application for sidewalk installation/replacement grant for 2025 in the  
city limits of Bel Aire, Kansas

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The governing body approved a sidewalk installation/replacement program for fiscal year 2025. The program allows for a 100% grant per landowner for the replacement or installation of sidewalks. Applications must be received at City Hall by October 15, 2025, for consideration. Criteria for consideration are outlined in the adopted policy.

Name of Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address of Property Owner: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property is located at: \_\_\_\_\_ Size of tract: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

I request the grant for following reasons: \_\_\_\_\_

\_\_\_\_\_

Estimated Cost of Project: \_\_\_\_\_

I (we) understand this application will be considered on first come basis. However, the City reserves the right to prioritize some replacements based on severity and need for replacement. The total amount of funds available for this program is \$15,000.00 for fiscal year 2025.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

## OFFICE USE ONLY

This application was received on: \_\_\_\_\_ and found to be complete.

\_\_\_\_\_  
City Representative

\_\_\_\_\_  
Title