

STAFF REPORT

DATE: 07/29/2025

TO: Bel Aire City Council

FROM: Paula Downs

RE: Agenda

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