

MEMORANDUM

TO: Dillingham Code Committee

FROM: Christopher Maines, Planning Director

DATE: May 11, 2026

RE: Street Maintenance Ordinance - Zero Implementation Cost, Significant Benefits

PURPOSE

This memo clarifies that the proposed Street Maintenance Ordinance has **no implementation cost** while providing significant value to the City of Dillingham. This is a compliance ordinance, not a new program.

THE PROBLEM

The City Council passed ordinances requiring maintenance agreements but never implemented them:

1. **Municipal Code Sections 17.23.090 and 17.23.100** require the city to formally inspect and accept streets **before** assuming maintenance responsibility.
2. **In Dillingham's entire history, only ONE formal maintenance agreement was executed:** Main Street and D Street (several years ago).
3. **Every other street the city currently maintains has no formal maintenance agreement** - in direct violation of Municipal Code.
4. **The city maintains streets it has no legal authority to maintain** while refusing to maintain other streets like Dragnet Drive and Squaw Creek Road.

Result: Arbitrary decisions, legal liability, budget uncertainty, and inability to access federal grants.

WHAT THIS ORDINANCE DOES

This ordinance brings the city into compliance with existing law by:

1. **Identifying which streets the city will maintain** (Schedule A - City-Maintained Streets)
 2. **Identifying which streets the city will NOT maintain** (Schedule B - Private-Maintenance Streets)
 3. **Providing legal basis for maintenance decisions** (formal acceptance documentation)
 4. **Clarifying property owner responsibilities** (clear and transparent)
 5. **Ending code violations** (compliance with Sections 17.23.090 and 17.23.100)
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WHAT THIS ORDINANCE DOES NOT DO

This ordinance does **NOT**:

- Add new streets to city maintenance (*no increased costs*)
- Change maintenance standards (*standards already exist in Chapter 17.19*)
- Create new programs or services (*clarifies existing obligations only*)
- Require additional staff or equipment (*same maintenance, clear authority*)
- Require construction projects (*identifies streets, doesn't build them*)

This ordinance costs nothing to implement.

WHY THIS MATTERS - FOUR KEY BENEFITS

1. BETTER BUDGETING

Current situation:

- Don't know which streets we're legally obligated to maintain
- Can't predict annual maintenance costs
- Budget based on informal practices, not legal obligations

With this ordinance:

- Clear inventory of maintenance obligations
- Predictable annual costs
- Accurate long-term budget projections
- No surprises from unclear responsibilities

2. TRANSPARENCY AND FAIRNESS

Current situation:

- Property owners don't know if their street is city-maintained or private
- Arbitrary decisions on maintenance (some streets maintained, others not)
- No clear criteria for decisions
- Unequal treatment creates legal liability

With this ordinance:

- Every property owner knows their street's status

- Clear public record of all decisions
- Objective criteria applied equally
- Fair treatment of all property owners

3. LONG-TERM PLANNING

Current situation:

- Cannot develop Comprehensive Plan transportation element without street inventory
- Cannot create Capital Improvement Program without knowing city obligations
- Cannot prioritize road improvements without clear responsibilities
- Cannot coordinate utility planning without knowing long-term street commitments

With this ordinance:

- Official street inventory enables comprehensive planning
- Foundation for Capital Improvement Program
- Basis for Road Priority List
- Integration with water, sewer, and utility planning

4. ACCESS TO FEDERAL AND STATE GRANTS

This is the most important benefit.

Current situation:

Dillingham **cannot apply for federal transportation grants** because we cannot document which streets we formally maintain.

Federal requirements:

- **Statewide Transportation Improvement Program (STIP):** Requires official street inventory and documented maintenance responsibility
- **Federal Highway Administration grants:** Requires proof of city ownership/maintenance authority
- **Surface Transportation Block Grants:** Requires eligible facilities with formal acceptance
- **Alaska DOT grants:** Requires proof of long-term maintenance commitment
- **Economic Development Administration infrastructure grants:** Requires documented asset inventory

Without formal street acceptance ordinance = ineligible for millions in federal/state funding

With this ordinance:

- Can document which streets city maintains
- Can demonstrate long-term maintenance commitment
- Can prove fiscal capacity and asset management
- **Becomes eligible for federal and state transportation grants**

LEGAL COMPLIANCE - ELIMINATING LIABILITY

Current violations and risks:

1. **Municipal Code violations:** Maintaining streets without formal acceptance (Sections 17.23.090, 17.23.100)
2. **Legal liability:** City spending money on streets it has no authority to maintain
3. **Unequal treatment:** Some property owners get free maintenance, others don't - potential lawsuits
4. **Federal compliance issues:** Tribal Transportation Program claiming same streets city maintains
5. **Budget violations:** Unauthorized expenditures without legal authority

This ordinance eliminates all these liabilities at zero cost by documenting legal authority for current maintenance decisions.

THE BOTTOM LINE

IMPLEMENTATION COST	\$0
Increased annual costs	\$0 - same streets maintained as currently
New staff required	None
New equipment required	None
Construction costs	None

BENEFITS	VALUE
Legal compliance	Eliminates code violations and liability
Budget clarity	Clear annual cost projections
Transparency	Fair treatment of all property owners
Planning capability	Enables comprehensive plan and CIP
Grant eligibility	Access to millions in federal/state funding

CONCLUSION

This is not a new program. This is a compliance ordinance.

The City Council already passed ordinances requiring:

- Minimum street standards (Chapter 17.19)
- Formal maintenance agreements (Sections 17.23.090, 17.23.100)

The city never implemented what the Council passed.

This ordinance simply:

1. Documents which streets meet the standards
2. Formalizes the maintenance agreements already required
3. Provides the legal basis the city should have had all along

Cost: \$0

Result: Legal compliance, fair treatment, budget clarity, planning capability, and access to millions in federal grants.

The Code Committee should understand this as a **zero-cost compliance measure that protects the city from liability while unlocking significant federal funding opportunities.**