



February 28, 2013

Final Investigative Report Concerning Ombudsman Complaints 2012-0201 & 2012-0236

COMPLAINT

Two constituents approached the Ombudsman's Office regarding the 164th & Betty Area Drainage Improvement Project (Project Management & Engineering Project Number 11-21). The constituents alleged that the project was politically, not need driven, and that there had not been adequate public outreach regarding the project.

FINDINGS

These complaints against the Municipality of Anchorage, Project Management & Engineering are **NOT SUPPORTED**.

ANALYSIS AND CONCLUSIONS

Two citizens contacted the Ombudsman in August and October 2012 with their concerns regarding PM&E Project 11-21 (164th & Betty Area Drainage Improvement Project). They alleged that the project was politically, not need driven, and that there had not been adequate public outreach regarding the project.

Over the past several years residents and property owners near 164th Avenue and Betty Street have expressed concerns about water draining down slope onto 164th Avenue from the area of the Goldenview Subdivision. The flooding has also seriously impacted two homes on Ridgeview Drive, upslope from 164th. In 2005 the Municipality hired Quest Engineering to develop a project concept which would address the drainage issues. Over the next two years Project Management & Engineering, Right of Way and Street Maintenance reviewed and commented on Quest's four plan submittals, comments were received from stakeholders, several onsite meetings were held, and Triad Engineering conducted a drainage analysis.

In the summer of 2007, after an extensive review of possible options to deal with the drainage problems and several stakeholder meetings, Municipal Engineer Howard Holton made the decision to go with a storm drain pipe system that would pipe excess runoff water to Little Survivor Creek. Holton believed that this concept would be the least expensive option to maintain. The U.S. Army Corps of Engineers mandated funneling the water to Little Survivor Creek rather than Little Rabbit Creek.

The South Goldenview Limited Road Service Area Board was not supportive of the concept, and in 2009 they hired CRW Engineering to conduct a peer review of the plans submitted by Quest Engineering. CRW concurred that the proposed storm drain pipe system was the best method of dealing with the drainage problems but noted that the documents were not bid ready to Municipal standards. In 2009 PM&E hired CRW under their term contract to prepare the documents for bid. In response to stakeholder concerns CRW and PM&E revised the project concept to ensure that the project will not encroach on private property.

After reviewing the drainage issues, PM&E and Quest concluded a storm drain pipe system was the best and least expensive to maintain solution to the flooding problem at 164th and Betty. An independent peer review contracted by the South Goldenview LRSA Board, and conducted by CRW Engineering, concurred with the conclusions of PM&E and Quest.

Because Project Management & Engineering and Quest, and an independent peer review concur that the project is necessary to address drainage problems near 164th Avenue and Betty Street, the Municipal Ombudsman finds the complaint that the project is politically and not need driven to be UNSUPPORTED.

A review of Project Management & Engineering's records shows that PM&E has received and reviewed public comments since at least April 2006. Documents provided by PM&E to the Ombudsman list a September 2007 onsite meeting, an April 2008 meeting at PM&E, a June 2008 onsite meeting, and a January 2009 meeting with the Goldenview Homeowners Association, Woodridge Homeowners Association and South Goldenview Limited Road Service Area Board.

PM&E also provided the Ombudsman with copies of the minutes of the February 12, 2009 Rabbit Creek Community Council Meeting, the March 2009 Rabbit Creek Community Council Newsletter, and the November 2005 Prominence Pointe Newsletter; all three referenced the proposed drainage project. PM&E has also conducted multiple one-on-one and onsite stakeholder meetings and CRW has attended community council and LRSA Board meetings to discuss the project and answer questions.

At the request of the Ombudsman PM&E and CRW held a November 15, 2012 project public open house at Goldenview Middle School, from 6-8 pm. CRW mailed meeting invitations to 1200 residents in the area of the proposed project, and approximately thirty stakeholders attended the meeting and interacted with the project team. The Ombudsman attended the meeting as a neutral observer. One of the complainants alleged that the Anchorage Home Rule Charter mandates a public process for this type of project. A review of the Charter and Municipal Code reveals that no such requirement is found in the Charter or Code.

Because Anchorage Municipal Code and the Home Rule Charter do not require public outreach for drainage projects within the Municipality, and because PM&E and their contractors have attended and facilitated multiple public and one-on one meetings between 2006 and 2012, the Municipal Ombudsman finds the complaint that there has not been adequate public outreach for the project to be UNSUPPORTED.

Based on this investigation, these cases are closed. A copy of the preliminary report was provided to Project Management & Engineering.

If you object to the Ombudsman's decision to decline or discontinue this investigation or review, you may file a grievance with the Ombudsman as specified in A.M.C.R. 2.60.006.



Darrel W. Hess
Municipal Ombudsman