

**ANDOVER CITY COUNCIL**  
**Tuesday, October 08, 2013**  
**Minutes**

1. Mayor Ben Lawrence called the meeting to order.

2. Roll Call

City Council Members present were Byron Stout IV, Sheri Geisler, Troy Tabor, Caroline Hale, Kris Estes, and Clark Nelson.

Staff: Police Chief Mike Keller, Chief Financial Officer Donna Davis, Fire Chief Jim Shaver, Assistant City Administrator Jennifer McCausland, City Attorney JT Klaus, Public Works & Community Development Director Les Mangus, City Clerk Susan Renner, City Administrator Sasha Stiles, City Financial Advisor Mark Detter, and Mike Thompson City Consulting Engineer.

A/V: Cindy Barrett

3. There was no invocation.

4. Pledge of Allegiance was led by Blake Ullman of Andover Boy Scout Troup 584.

Mayor Ben Lawrence proclaimed the month of October as Down Syndrome Awareness Month.

Mayor Ben Lawrence proclaimed October 26, 2013, Andover Public Library Day.

Cheri Nienke, Library Assistant Director, invited the Council and citizens to attend the birthday party in celebration of the five years in the facility, on Saturday, October 26, 2013, from 10:00 a.m. to 3:00 p.m. at the library, 1511 E. Central.

5. Public Forum - no one spoke.

6. Acceptance of Agenda

A motion was made by Council Member Byron Stout, seconded by Council Member Kris Estes to accept the agenda as prepared. Motion carried 6/0.

7. Presentations - Les Mangus presented Ralph Rust with a retirement plaque for his 24 years of service.

The City Council thanked Mr. Rust for his dedication to the City and the youth programs offered through the Parks & Recreation Department.

8. Consent Agenda

- a. Approval of Minutes
  - i. City Council Workshop: September 23, 2013
  - ii. City Council Meeting: September 24, 2013
  
- b. Receive & file reports
  - i. Finance: September 2013
  - ii. Fire: September 2013
  - iii. Library: August 2013 Finance; September 2013 Directors
  
- c. Receive & file minutes
  - i. Planning Commission: July 16, 2013; August 20, 2013
  - ii. Library: August 14, 2013
  
- d. Approval of appropriation ordinance B-18-13 in the amount of \$ 519,091.81.
  
- e. Approval of non-elected personnel items  
Michael Sine, Police Officer new hire, at \$15.96 per hour, effective September 30, 2013.

A motion was made by Council Member Caroline Hale, seconded by Council Member Troy Tabor to approve the consent agenda as presented. Motion carried 6/0.

9. Standard Traffic Ordinance

Police Chief Keller presented the ordinances and explained the first ordinance removes sections that were duplicated in the code and the second ordinance would adopt the 2013 "STO".

- a. An ordinance repealing Article 4 of Chapter XVIII of the Code of the City of Andover, Kansas (including Sections 18-402, 18-407, 18-409, 18-410, and 18-411); and further repealing Section 18-802 of Chapter XVIII, Article 8 of said Code.

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler, to adopt the ordinance as presented. Motion carried 6/0. Ordinance number 1549 was assigned.

- b. An ordinance incorporating by reference the "Standard Traffic Ordinance for Kansas Cities," Edition of 2013; and amending Chapter XVIII, Article 1, Sections 18-101, 18-102 and 18-103 of the Code of the City of Andover, Kansas.

A motion was made by Council Member Clark Nelson, seconded by Council Member Kris Estes to adopt the ordinance as presented. Motion carried 6/0. Ordinance number 1550 was assigned.

#### 10. Uniform Public Offense Code

Police Chief Keller presented the ordinances and explained as with the "STO" the first ordinance removes sections that were duplicated in the code and the second ordinance adopts the 2013 "UPOC".

- a. An ordinance (1) repealing Section 13-211 of Chapter XIII, Article 2 of the Code of the City of Andover, (2) repealing Section 13-305 of Chapter XIII, Article 3 of said Code, and (3) repealing Section 13-405 of Chapter XIII, Article 4 of said Code.

A motion was made by Council Member Byron Stout, seconded by Council Member Caroline Hale to adopt the ordinance as presented. Motion carried 6/0. Ordinance number 1551 was assigned.

- b. An ordinance regulating public offenses within the City of Andover, Kansas; incorporating by reference the "Uniform Public Offense Code for Kansas Cities," 2013 Edition, with certain modifications; and amending Chapter XIII, Article 1, Section 13-101 and 13-102 of the Code of the City of Andover, Kansas.

A motion was made by Council Member Byron Stout, seconded by Council Member Sheri Geisler to adopt the ordinance as presented. Motion carried 6/0. Ordinance number 1552 was assigned.

#### 11. 2013 Street Rehab project

Les Mangus explained with the remaining funds in the street maintenance 2013 budget staff negotiated additional maintenance with APAC. The additional street maintenance

would be on Andover Road north of the KTA bridge to Waggoner Street and sidewalk repairs will be prioritized based on proximity to the Andover Road/13<sup>th</sup> Street project and Andover Road overlay from Central to 13<sup>th</sup> Street project.

- a. APAC change order three
- b. Poe & Associates Engineering Supplemental for change order three

A motion was made by Council Member Clark Nelson, seconded by Council Member Sheri Geisler to approve APAC change order three in the amount of \$254,561.00 and the Poe & Associates supplemental agreement originally dated May 14, 2013 to amend Basic Services fee from \$44,500 to \$60,800; the Resident Project Services Hourly Billing Rate estimate from \$33,250 to \$45,450; and Testing amended from \$4,000 to \$6,000. Motion carried 6/0.

12. [Cornerstone 4th Addition contract with MKEC for paving and incidental drainage, water distribution and sanitary sewer.](#)

Sasha Stiles presented an engineering services contract with MKEC, Wichita, for the improvements to the Cornerstone 4<sup>th</sup> Addition.

A motion was made by Council Member Kris Estes, seconded by Council Member Byron Stout to approve the contact as presented. Motion carried 6/0.

13. [Personnel Policy Handbook update](#)

Jennifer McCausland explained the revisions bringing the Employee Handbook up to date. She added the revisions fall within Human Resource laws, regulations and/or best practices. The two following resolutions are actual changes to our policy.

- a. A resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2-6 Personnel Handbook, Harassment Policy, Sexual Harassment.

A motion was made by Council Member Bryon Stout, seconded by Council Member Caroline Hale to adopt the resolution as presented. Motion carried 6/0. Resolution number 13-28 was assigned.

- b. A resolution amending the Code of Municipal Policies, City of Andover, Chapter 2, Personnel, Article 2-6 Personnel Handbook, Substance Abuse policy.

A motion was made by Council Member Bryon Stout, seconded by Council Member Caroline Hale to adopt the resolution as presented. Motion carried 6/0. Resolution number 13-29 was assigned.

14. Executive session - matter related to the attorney-client privileged relationship

A motion was made by Council Member Caroline Hale, seconded by Council Member Kris Estes to go in to executive session to include the governing body, City Administrator, City Attorney, and Public Works Director, for approximately twenty minutes. Motion carried 6/0.

A motion was made by Council Member Caroline Hale, seconded by Council Member Sheri Geisler to come out of executive session. Motion carried 6/0.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to return to executive session to continue the discussion for approximately twenty minutes. Motion carried 6/0.

A motion was made by Council Member Byron Stout, seconded by Council Member Caroline Hale to come out of executive session and return to executive session to continue the discussion for approximately fifteen minutes. Motion carried 6/0.

A motion was made by Council Member Sheri Geisler, seconded by Council Member Byron Stout to come out of executive session. Motion carried 6/0.

No action was taken as a result of the executive sessions.

15. Discussion: Residential Pool Covers

The changing of City Policy on pool covers to mimic that of Wichita and Sedgwick County was discussed. Council Members Caroline Hale and Sheri Geisler opposed changing the regulation.

**The Code of the City of Andover, 4-511.2 current policy**

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 60 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be

maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

### **The City of Wichita current policy**

Non-regulated swimming pools and spa pools, as defined in Section 7.72.010, shall be protected and enclosed with a fence or wall enclosure, impenetrable to humans, at least sixty inches in height. Gates leading to such pools shall be latched when not under supervision of an adult. Such latch shall reasonably ensure against accidental or unauthorized access to the swimming pool or spa pool by children. Fencing for the entire yard in which a swimming pool or spa pool is located is acceptable, provided such fence or wall complies with the above requirements. In lieu of the fencing specified above, such swimming pool or spa pool may be protected and enclosed, when not under the supervision of an adult, by means of a pool power safety cover meeting the most recent specifications approved by the American Society for Testing and Materials for swimming pool covers under the fixed designation standard F 1346 (ATSM F 1346), or with a locked spa pool cover.

### **Sedgwick County current policy**

Adopted by reference the 2006 International Building Code

#### **SECTION AG105 BARRIER REQUIREMENTS**

**AG105.1 Application.** The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and neardrownings by restricting access to swimming pools, spas and hot tubs.

**AG105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed  $P/4$  inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed  $P/4$  inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed  $13/4$  inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a  $21/4$ -inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than  $13/4$  inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than  $13/4$  inches (44 mm).
8. Access gates shall comply with the requirements of Section AGI05.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
  - 8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
  - 8.2 The gate and barrier shall have no opening larger than  $1/2$  inch (13 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

9.1 The pool shall be equipped with a powered safety cover in compliance with **\*ASTM F 1346**; or

9.2 Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above. •

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
11. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
12. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

**\* ASTM F1346-91(2010) Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs**

1.1 This specification establishes requirements for safety covers for swimming pools, spas, hot tubs, and wading pools (hereinafter referred to as pools, unless otherwise specified). When correctly installed and used in accordance with the manufacturer's instructions, this specification is intended to reduce the risk of drowning by inhibiting the access of children under five years of age to the water.

1.2 This specification includes performance tests to demonstrate the compliance or noncompliance to requirements herein stated for safety covers. It also includes marking requirements for all covers.

1.3 The values stated in inch-pounds and units are to be regarded as the standard. The values in parentheses are given for information only.

1.4 The following safety hazards caveat pertains only to the test methods section, Section 9, of this specification: This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this

standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.

16. Discussion: Employee Appreciation event date - January 11 or 18, 2014

After a brief discussion the Council concurred January 18, 2014 for the employee appreciation event.

17. Member Items

Council Member Troy Tabor had none.

Council Member Clark Nelson

- Thanked Ralph Rust for his years of service to the Andover community.

Council Member Sheri Geisler

- Stated how nice Greater Andover Days was again this year and thanked staff for their hard work.

Council Member Caroline Hale

- Also thanked Mr. Rust.

Council Member Kris Estes

- Thanked the staff and GAD committee for Greater Andover Days.
- Inquired if the federal shutdown was affecting the City
  - Sasha Stiles responded at the current time it had not

Council Member Byron Stout had none.

A motion was made by Council Member Byron Stout, seconded by Council Member Kris Estes to adjourn. Motion carried 6/0.

**Adjourn**

Respectfully Submitted by

Susan Renner

City Clerk

Approved this 29<sup>th</sup> day of October, 2013, by the City Council, City of Andover, Kansas.