

**City of Columbus**  
**Public Hearing**  
**9623 192<sup>nd</sup> AVE NE POOL SAFETY COVER VARIANCE REQUEST (PC19-112)**  
**07.17.19**

The July 17<sup>th</sup>, 2019 Public Hearing to consider a request by the applicant, William Sieben, for a variance request from the required 5-foot fence for a swimming pool installation to allow an ASTM Certified “Pool Safety Cover” in the RR Rural Residential zoning district was called to order at 7:01 p.m. by Chair Ron Hanegraaf at the City Hall. Present were Commission members: Kris King, Pam Wolowski, Barb Bobick and Jody Krebs; City Administrator Elizabeth Mursko; Haila Maze; City Planning Technician Ben Gutknecht; and Recording Secretary Rochelle Busch.

Also in attendance were Mayor Jesse Preiner; City Council Members Denny Peterson, Shelly Logren and Janet Hegland; Richard Kowarsch, Vern M. Osterbauer, Rodney Kowarsch and family, Dan Mike, John Young, Erin and Ryan Zwonitzer, Bradley Boudreau, Tom and Carol Mike, Bill Sieben, John Arnt, Mark Huus, Cecelia and Peter Neihart, Phil Hoey and Tom Palmquist.

**Hanegraaf:** We’ll start off with item number 8. It’s a public hearing discussion concerning 9623 192<sup>nd</sup> Ave NE Pool Safety Cover Variance Request. Rochelle, could you read the public notice?

Notice was read at this time by the recording secretary.

**Hanegraaf:** Thank you. Is Amy and William Sieben here tonight? You want to have a step up here and to the microphone, William? Could you state your name and address, even though we already stated it?

**Sieben:** William Sieben, Bill Sieben. 9623 192<sup>nd</sup> Ave NE.

**Hanegraaf:** Thank you. Could you explain, I know we got all this literature on it, but for the public and everybody that’s here, could you explain what your variance, what your requesting?

**Sieben:** Yes, sir. I’m requesting a pool safety cover. It’s an auto track. So it’s a pool cover that’s built into the pool itself, on a track system. It opens and closes with a lock and key and a code. Its kind of become the industry standard for pools these days. Other, theres communities where its part of the process of getting your pool. They come standard actually with the pool package. So its like an \$8,000 cover, that your pool installers always put in the package. You don’t really, I don’t believe I was given an option of not having it, because most people want it. Because its where the safety lies, versus the old school notion that a fence will keep kids out. A pool that’s locked and cant be opened truly keeps kids out. So, this is what I’m going for, because the fence as well is another \$8,000. And with the City of Columbus, the variance staff report says it better than I do. It breaks down the topical graphical nature of my lot. We’re kind of in a low area here so the house was built up. So, where I want to put the pool the only place, I can put the pool is on part of this built up spot, right? So, there’s a hill that drops off. So, to put extra footings for a fence out there, doesn’t work too well. We’re sitting on 50 acres. We’re at the end of a road, we

have a long driveway, 600 feet-ish, it's not a high-density neighborhood, where anyone's going to pass through. So, because I don't want, I don't like the look of a fence, I don't like the cost of a vertical fence, and because they are inefficient, I was hoping to have this variance passed that I could get the more updated and standard pool safety cover.

**Hanegraaf:** Okay, thank you. Jody, do you have any questions?

**Krebs:** Yes. If this, if your electricity or whatever would go out, does this pool have some kind of, I don't know, something that would, fail safe?

**Sieben:** There is a, my understanding there is a manual option, where you can hand crank the cover over. I'm not sure that it opens until electricity comes back.

**Krebs:** I was thinking if the pool was open, something happened.

**Sieben:** So, it is my understanding that there is a rope system, that you could reach under and you pull much like a blind.

**Krebs:** Okay.

**Sieben:** And then its pulled shut.

**Krebs:** And then you could lock it?

**Sieben:** Then you could lock it.

**Krebs:** Okay. That was my only question.

**Hanegraaf:** Barb, do you have any questions?

**Bobick:** Yes. Columbus' ordinance requires a fence around the pools. My concern is what kind of insurance do you have in addition to household insurance if something should happen?

**Sieben:** Okay, well we have our household insurance. We have an umbrella policy, is that what you're asking as well?

**Bobick:** Yes.

**Sieben:** Our insurance agent, we had this conversation with our insurance agent, which was uninterested in, how do I put this? The pool safety cover is the standard. They prefer a pool safety cover over a fence.

**Bobick:** American Family?

**Sieben:** With no increase to us whatsoever.

**Bobick:** And if somebody should be hurt or injured or somebody should die. How much coverage do you have?

**Sieben:** I could get that exact number for you. I mean our umbrella policy is a million-dollar umbrella policy.

**Bobick:** Okay.

**Sieben:** Yeah, I can't remember how much we're insured to up until the umbrella kicks in.

**Bobick:** And you don't have anything from your insurance company.

**Sieben:** I didn't think to bring that, no.

**Bobick:** Um, like I say, pools are risky. And most of the ordinances are meant to protect children under the age of 5. I think both things are necessary, to protect children, because things happen very fast with kids. They're attracted to water. You know, and I understand that you have teenagers, and their, you know, they know what pool safety is. But I would be concerned for anyone that comes to visit you. Even if the child is supervised things happen so fast. I had this very thing happen when I was young and doing pool maintenance. Both my husband and I were there working on the pool our son disappeared and less than a minute and he was standing at the bottom of the pool. So, I know that there can be other, you know, issues. Other than, just...

**Sieben:** Absolutely. I totally agree with you and I appreciate your concern. It does come down to the homeowner. The homeowner has to insure those gates are locked, if they have a vertical fence. That the fence is maintained. Its not falling apart. Can't be crawled under or over. And the homeowner has to make sure the pool cover is closed.

**Bobick:** Okay. So now, is the pool cover a plastic like a water bed? Does it have the waterbed feel or is it solid? Or....

**Sieben:** Its like a waterbed feel.

**Bobick:** Okay, and you know that water can collect on that.

**Sieben:** Yes.

**Bobick:** So, you'd watch any visitors, or whatever for that.

**Sieben:** Oh, right yeah. You're right, its flush with the top of the pool itself. So, some water can gather on it, but were talking inches.

**Bobick:** Yeah.

**Sieben:** Yeah. The advantage for the homeowner, in addition to the safety is a savings cost in the heating. To the environment for less chemicals and evaporation of water. The homeowner, there's incentive for the homeowner to use that pool cover whenever the pool is not being used.

**Bobick:** I understand that.

**Hanegraaf:** Kris, do you have any?

**King:** Yeah, I did read through the ASTM standard. And they do actually cover weight of the cover, that its got a support. It also covers pooling water on top, and that it has to meet a certain standard, that it doesn't pool water. The one question I have I did call my insurance company, which is state farm, they right away told me "Nope". But then they came back and asked are you on acreage, and some additional questions because the underwriter said he would be willing to look at possibly just eliminating the fence and going with the pool cover. So not all insurance agents and companies are using this as a standard over the fence. But I think their willing to look at it, in certain situations. You know I agree with you Barb. I think pools are risky. But that's up to the homeowner and you know the risk your taking and life is a risk. So...

**Hanegraaf:** Pam?

**Wolowski:** Just going back to the power failure. So, say you have a power failure and the pool cover is in place. It would still require a key to open?

**Sieben:** It does. There's a box that's locked with a key. Then behind that box is generally a code that you have to punch in.

**Wolowski:** Okay.

**Sieben:** So, its electronic from my understanding. I've never boughten one of these before.

**Wolowski:** Right.

**Sieben:** But it's a locked box with a key, behind the door is a code, a secret code, right. Without power I would imagine it doesn't open.

**Wolowski:** So, it would still require a key. It wouldn't shut it down? It would be fail safe too, that you would still need a key to manually open the cover?

**Sieben:** Correct.

**King:** I did go out to their website and look at the different options. And what they showed was a toggle switch, but its with a locked cover that you need the key to open the cover. Then they also had a key pad, that was wi-fi based. Where that did not open and close the cover, from what I could tell but you could be given notice that the pool cover was open. Or, that its been opened for 4

hours, or something. But the wi-fi is not what's used to open and close it, you always need the toggle switch with the locked cover that has a key.

**Sieben:** Okay.

**Wolowski:** The wi-fi tells you if your kids have opened it.

**King:** It does, there's actually 4 people that you can program that can use the key pad to open it, and then you can get notified.

**Krebs:** Just a follow-up question Mr. Chair.

**Hanegraaf:** Go ahead Jody.

**Krebs:** Did you call your insurance company to find out if they would do an amendment to your policy for the pool?

**Sieben:** I did talk to my insurance agent and there was no amendment needed.

**Krebs:** Okay.

**Sieben:** Our insurance agent was familiar with where we live, so maybe that's part of it. He knows were on 50 acres. He lives kind of in the neighborhood. He said, yep let me double check with that. He called me back a minute later and said year, we like the pool covers.

**Krebs:** Okay.

**Hanegraaf:** You're with American Family, right?

**Sieben:** I was.

**Hanegraaf:** One other question here, just to put this in perspective. I know where you live, and it is very isolated out there. How many trick-or-treaters do you get a year?

**Sieben:** We don't get trick-or-treaters unfortunately.

**Hanegraaf:** You don't?

**Sieben:** We miss that part. We just moved there a couple years ago.

**Hanegraaf:** Okay, welcome to the world. I'm the same way. But it is an isolated area. Do you have anything else you would like to add to us?

**Sieben:** No, sir I don't.

**Hanegraaf:** Okay.

**Bobick:** I have one more question.

**Hanegraaf:** Okay Barb.

**Bobick:** If this cover should fail, say halfway open halfway closed, does the company that sold it to you, have an emergency service or anything?

**Sieben:** I would have to look into that for you, I don't...

**Bobick:** You don't know...

**Sieben:** I'm not going to make up stories for you.

**Bobick:** Okay.

**Sieben:** I don't know how it, how they fail. I know you can manually close them. I don't think you can manually open them though, because to open it its on a big motor and its reeling it in. So, everything would just flop into the pool as you were trying to push it back. I think there's some locking mechanisms that unlock as it opens. But I believe you can pull them shut. Like I said, its like a blind. Gets stuck half way open, I'm not sure

**Bobick:** Or if it should tear or something like that.

**Sieben:** Right, so I have seen videos of people parking Ford F-350 Four doors on top of them, so their pretty robust. The weight to be technically an ASTM a pool safety cover has to be at least 300 or 400 some pounds.

**Krebs:** 485

**Bobick:** 485

**Sieben:** 485. That hasn't stopped the companies from making them stronger. That's just the minimum to get that label stamped on them.

**Bobick:** Okay.

**Hanegraaf:** Any other questions?

**Wolowski:** No, Sir.

**Hanegraaf:** Nothing else, William.

**Sieben:** Can't think of anything else.

**Hanegraaf:** Its our protocol usually to ask you to step back, maybe just sit down in a chair right behind you, so we have the right to call you back if we have any questions. And we're going to open this up to the public hearing to everybody, and anyone that has an interest in this matter can step forward and present testimony as evidence in support of their position. And if you come forward, we'd like you to say your name, and your address. Is there anybody that would like to make a comment or a statement? Like an auction house, going once, going twice, nobody's coming. Okay we're going to close the public hearing then. And we'll discuss it up here.

At this time Chair Hanegraaf closed the Public Hearing. Hearing closed at 7:15 p.m.

Respectfully submitted:

Rochelle Busch, Recording Secretary