

ELEVATOR SAFETY BOARD
Meeting Minutes
March 11, 2020

I. Call to order

Chairperson Kris Kesterson called the meeting to order at 9:02 a.m. at 150 Des Moines Street, Des Moines, Iowa.

II. Roll call

Members present: Kris Kesterson
Kerry Dixon
Kathleen Uehling
Craig Clabaugh
Justin Carleton
Wayne Sims
Marvin Schumacher
Peggy Vandenberg

Member absent: Amy Infelt

Ms. Caroline Barrett, Assistant Attorney General, was in attendance.

III. Approval of agenda

Ms. Kerry Dixon moved to amend the draft agenda by substituting January 22, 2020, for December 18, 2019, and approving the amended minutes. Mr. Schumacher seconded the motion. The Board approved it unanimously.

IV. Approval of minutes from December 22, 2020

Ms. Dixon moved to approve the January 22, 2020, minutes. Ms. Vandenberg seconded the motion and the board approved it unanimously.

V. Item for Action

A. Application for variance concerning non-elevator equipment in an existing machine room (E2020-001)

Mr. Aaron DeCamp, representing Lawmark Capital, spoke to the board. The owner plans to bring this 1972 elevator up to current standards. Non-elevator equipment such as WOI-TV antenna and cables has been in the machine room for years. As part of the renovation the non-elevator equipment has been walled off, but access to it is still through the elevator machine room.

Mr. Jim Borwey, Elevator Safety Manager, stated it would be a hardship to remove all the non-elevator equipment. He suggested to mitigate any danger the following conditions be attached to the variance: 1) A pathway to the non-elevator equipment must be marked; 2) All elevator controller cabinets must be closed and locked with a group 1 security key when not in use; 3) Install on the machine room door a sign reading "Authorized Personnel Only"; 4) No further non-elevator equipment shall be installed; 5) The correct reference for the order is ASME A17.1 rule 8.7.2.7.2.

Mr. Schumacher moved to grant the variance with the conditions noted. Mr. Clabaugh seconded the motion and the board approved it unanimously.

B. Application for variance submitted by Jerry Roorda on behalf of In't Veld Enterprises and concerning overhead clearance for a new elevator in an existing building (E2020-002)

Mr. Marvin Schumacher left the meeting room.

Mr. Jerry Roorda addressed the board regarding this variance that requests waiver of the access door and ceiling height rules. The owner plans to put a new elevator in a building from the 1890's. The current height of the proposed machine room is 6'8".

Ms. Dixon moved to approve the variance with the following conditions: 1) A sign that reads "Caution: Low Overhead" must be installed on the door leading to the basement; 2) A pathway to the machine room must be marked; 3) Adequate lighting must be installed in the basement; 4) The ceiling joists in the machine room must be painted; 5) A sign saying "Caution: Low Overhead" must be installed on the machine room door.

Mr. Clabaugh seconded the motion and the board approved. Mr. Schumacher and Mr. Carleton abstained.

Mr. Schumacher rejoined the meeting.

C. Application for variance submitted by Shawn Kelly on behalf of Kelmar LC concerning safe and convenient access to the machine room in an existing building (E2020-003)

Mr. Shawn Kelly spoke to the board regarding this variance. Mr. Kelly has owned this property for twenty years. The previous owner was given a variance in 1985 due to the structural hardship, but it does not carry-over to the current ownership. Mr. Kelly stated that if he is unable to rent the space above it would be an economic hardship. There are only 24 inches of free space and it would require significant structural support to maintain support of the roof cap. The machine is low and is almost in the overhead. To access the elevator equipment there is a partial deck over the hoistway and access to the machine is from the offset on top of the elevator. It is similar to an MRL. Access is gained by climbing the ladder to get to the top of the deck.

Due to the economic hardship of rebuilding the top of the elevator shaft, Ms. Dixon moved to approve the variance with the following conditions:

1) The owner is required to provide adequate hoistway and machine room lighting; 2) A stop switch shall be installed at the ladder in the hoistway and in the machine room; 3) A knife switch shall be installed in the machine room to remove power from the machine; 4) "Caution low overhead" signs shall be mounted in the hoistway adjacent to the access point of the ladder and at the top of the ladder; 5) The owner shall install an OSHA-compliant steel ladder to replace the wood ladder. The ladder shall be equipped with a ladder safety system for fall protection; 6) The owner shall prepare a written procedure to access the overhead space including what to do if the elevator stops below access level. The Division of Labor will be given an opportunity to review the procedure. The procedure shall be the property of the owner and shall be stored near the disconnect; 6) The owner shall provide a means to pin the elevator when working on the machine; 7) The correct reference for the order is 875-73.9.1.

Mr. Clabaugh seconded the motion and the board approved unanimously.

VI. Division of Labor report

A. The variance applications for MidWest One Bank (E2020-004 and E2020-005) were withdrawn.

B. Commissioner Rod Roberts gave a legislative update. There are two pieces of legislation that are still active this session that pertain to the board. They passed out of the first funnel. The second funnel is March 20. Ms. Uehling gave an overview on the bills.

The bill the board saw at the last meeting passed the Senate 49-0 on February 26. Ms. Uehling, Mr. Borwey and Mr. Carleton attended the house subcommittee meeting and got new language substituted. The House version creates a clear exemption from regulation for elevators in certain buildings. The current version has conditions that the owner must occupy the first floor of the building and the upper stories of the building.

The other legislation, SF 2372, originally contained many provisions including the elimination of the elevator board and creation of a new "mega-board." All language concerning creation of the "mega-board" has been stricken from the bill.

The language that would have placed elevators owned by non-profits on a three-year inspection schedule has been removed. In its place is language authorizing the board to consider reduced fees for non-profits.

The bill also contains language that would require the commissioner to automatically accept any proof the owner provided concerning correction of hazards. However, Senator Jason Schultz is the bill's floor manager and he proposed an amendment striking that portion of the bill.

- C. Ms. Uehling reviewed technical corrections to rules pertaining to special commission inspectors. The special Inspector applicants must give their Social Security Numbers. Due to a change in the legal authority for gathering Social Security Numbers, technical corrections must be made to the rules and forms.
- D. Initially, Brett Conner who was the Fiscal Bureau Chief for Iowa Workforce Development, was to be in attendance at this meeting. However, Mr. Conner no longer works for IWD. Mr. Jim Borwey presented information on the fee history and current status of the elevator safety revolving fund. Mr. Borwey gave detailed information on the various fee increases and the justification for those fees.

From 2011 through 2012 the revolving fund was depleted and the board approved fee increases. Inspectors were also hired to take care of the backlog of inspections.

The number of reinspections has been significant due to more elevators failing inspections. Reinspection fees have been waived on a case-by-case basis. The Division of Labor staff is implementing remote proof of abatement on a large scale to reduce the reinspections. The owner must submit adequate proof of abatement within 30 days to avoid the reinspection and fee.

Mr. Borwey stated that there are openings for inspector and clerical staff that will impact the carryover. A potential rule change involving non-profits may impact this as well.

VII. Discussion of Rules Review

Rules review reports were presented by the following board members:

- Chapter 65 – Ms. Kesterson
- Chapter 66 – Ms. Uehling
- Chapter 67 – Ms. Dixon
- Chapter 68 – Mr. Schumacher
- Chapter 69 – Ms. Vandenberg
- Chapter 71 – Mr. Carleton
- Chapter 72 – Mr. Clabaugh
- Chapter 73 – Mr. Sims

We still need a report from Ms. Infelt. Ms. Uehling will prepare a Notice of Intended Action.

VIII. Discussion Topics

Four discussion topics were submitted by Mr. Clabaugh.

- A. Remote proof of abatement was addressed by Mr. Borwey's presentation.
- B. One of Mr. Clabaugh's customers didn't get the initial inspection report, and an additional item was written during the reinspection. The building changed owners and Jim Baedke, Safety Coordinator, pointed out that once staff was informed of the change, the reinspection fee was waived.
- C. Mr. Clabaugh wants more flexibility in performing annual safety tests.
- D. Mr. Clabaugh suggests that the website list of Notable Requirements in A17.3 should include guarding drive sheave and selector sheaves. However, these guards aren't required by A17.3.

IX. Communications

There are no communications.

X. Next meeting dates

- Thursday, April 16, 2020 at 2:00 p.m. at 150 Des Moines Street
- Wednesday, June 3, 2020 at 9:00 a.m. at 150 Des Moines Street

XI. Next meeting agenda

- Rules review reports
- Variance application concerning Blair House
- Discuss possibly forming a subcommittee concerning rules review issues

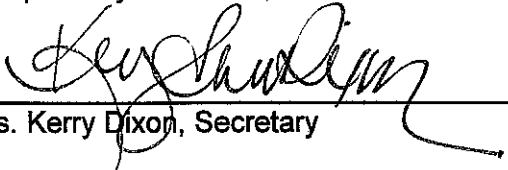
XII. Public comments

Mr. Gary Briggs stated that since ASME A17.1, rule 8.7.7.3.3 allows material lifts to be converted to freight elevators, it must also be true that freight elevators can be converted to material lifts. Ms. Uehling noted that under 89A the board has authority to adopt a rule but has not opted to do so.

XIII. Adjournment

Ms. Kesterson moved to adjourn the meeting. The board approved. The meeting adjourned at 11:58 a.m.

Respectfully submitted,



Ms. Kerry Dixon, Secretary