

ELEVATOR SAFETY BOARD

Meeting Minutes

July 31, 2019

I.

Call to order

Chairperson Kris Kesterson called the meeting to order at 9:03 a.m. in the conference room at 150 Des Moines Street, Des Moines, Iowa.

II.

Roll call

Members present:

Kris Kesterson Wayne Sims Kerry Dixon Kathleen Uehling Craig Clabaugh Marvin Schumacher

Justin Carleton Amy Infelt (via phone)

Member absent: Peggy VandenBerg

Ms. Caroline Barrett, Assistant Attorney General 2, also attended.

III.

Approval of agenda

Mr. Carleton moved to amend the agenda to move item "D" ahead of item "A" and reorder accordingly. Mr. Carleton moved to approve the agenda as amended and Ms. Dixon seconded the motion. The Board approved it unanimously.

IV.

Approval of minutes from June 26, 2019

Mr. Clabaugh moved to approve the June 26, 2019, minutes. Mr. Sims seconded the motion and the board approved it unanimously.

V.

Items for Action

A. *Variance Request from Brad Cummings, Warnock Building, Inc., concerning elevators in a partially vacant building (E2019-018).*

Mr. Jim Borwey spoke about the Warnock Building variance. There are 4 elevators in the building. The petition identifies the wrong elevator. The petition is for elevators 3366 and 3367, not elevator 3368. There are tenants on the building's first floor, but they have no access to the elevators.

Ms. Dixon moved to approve the variance for 3 years from the meeting date with the following conditions:

1. All elevator lobbies are to be locked and secure.
2. Elevators are to meet all other requirements of rule 71.20

Mr. Schumacher seconded. The rest of the board unanimously agreed.

Ms. Infelt left the meeting at 09:30.

B. Declaratory order petitions filed by Robert Zylstra concerning the installation of residential elevators at 704 Washington Street (E2019-016) and 835 Broadway Street (E2019-017) in Pella, IA

Jeremy Musil, Access Elevator, and Robert Zylstra spoke about the petitions. Both properties are zoned commercial and will remain commercial on the ground floors. The second floors will be modernized to upscale apartments. The elevators will be accessible to residents of the building from an outside entrance. The commercial and residential areas will be completely separate and accessible through separate entrances.

The board discussed the statutory exemption for any "single private dwelling residence" and possible use of limited-use, limited access (LULA) elevators.

Ms. Dixon moved to grant both of the petitions. Mr. Schumacher seconded the motion. All board members except Mr. Sims voted in favor of the motion. Mr. Sims voted to deny the motion because residential elevators are not inspected, so a person renting a building with a residential elevator will not know if it is safe.

C. Declaratory order petition filed by Marc and Angie Wallace concerning the installation of a residential elevator at 126 W. 2nd Street; Muscatine, IA (E2019-013)

Mr. Wallace introduced the proposal. Thomas Bankhead, Architect, stated that the building is land locked on both sides and the back. He also stated that there is a vault with a concrete floor in the building. The basement isn't accessible through the concrete floor. The proposal would place the elevator in the vault.

Jeremy Musil, Access Elevator, stated that a residential elevator is a better choice than a LULA due to size and cost.

Jason Garmoe, City of Muscatine, described revitalization efforts for downtown Muscatine and the zoning of the area. He stated that a deed restriction could be placed on the property. Caroline Barrett, Attorney General's Office, explained that the proposed Declaration of Restrictive Covenant distributed to board members is unenforceable. Mr. Garmoe stated that the city has a safety code.

Gary Carlson, State Representative, stated that Marc Wallace is a disabled veteran who will need the elevator to comfortably access his residence. Representative Carlson stated it would be a severe hardship for Mr. Wallace not to have an elevator. He also stated it would be a financial hardship for Mr. and Ms. Wallace to utilize the more expensive LULA elevator.

There was discussion regarding the differences between a variance petition and a petition for declaratory order.

Mr. Carleton moved to deny the Petition for Declaratory Order because the code does apply to this multi-use building. Ms. Dixon seconded the motion and it was approved unanimously.

VI.

Election of officers

Kerry Dixon nominated Kris Kesterson for Chairperson. There were no more nominations and Kris Kesterson was declared the new Chairperson.

Justin Carleton nominated Wayne Sims for Vice Chairperson. There were no more nominations and Justin Carleton was declared the new Vice Chairperson.

Kris Kesterson nominated Kerry Dixon for Secretary. There were no more nominations and Kerry Dixon was declared the new Secretary.

VI

I.

Division of Labor

Report

The Labor Commissioner, Rod Roberts, introduced Mary Montgomery, his new Executive Officer. The Commissioner described some of the organizational changes he is implementing .

Mr. Roberts thanked the Board for their work today. He suggested that with the time and resources dedicated to revitalizing rural communities, we may want to plan how to address these situations and how to engage other stakeholders on these issues. There was a discussion about outreach to other state agencies and to associations that represent cities, engineers and architects.

VIII

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Communications

Michelle Willsie requested her variance be postponed until after the August meeting.

IX

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Next meeting dates

- Wednesday, August 28, 2019 at 9:00 a.m. 150 Des Moines Street
- Wednesday, October 2, 2019 at 9:00 a.m. 150 Des Moines Street

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I.

Next meeting agenda

Public
comments

None.

XII

Adjournment

Ms. Kesterson moved to adjourn the meeting. The board approved. The meeting adjourned at 11:12 a.m.

Respectfully submitted,

Ms. Kerry Dixon,
Secretary