

ELEVATOR SAFETY BOARD
Meeting Minutes
April 26, 2022

I. Call to order

Chairperson Kris Kesterson called the meeting to order at 9:00 a.m. The meeting was held in-person and via a remote conferencing service.

II. Roll call

Members present: Kris Kesterson, Chairperson
Wayne Sims, Vice-Chairperson
Kathleen Uehling
Craig Clabaugh
Justin Carleton
Amy Infelt (via remote conferencing)
Marvin Schumacher
Kerry Dixon, Secretary (via remote conferencing)

Members absent: None

Ms. Caroline Barrett, Assistant Attorney General, participated remotely

III. Approval of agenda

Ms. Dixon moved to approve the agenda. Mr. Sims seconded the motion. The Board approved it unanimously.

Ms. Infelt joined the meeting in progress.

IV. Approval of minutes from March 23, 2022

Ms. Dixon moved to approve the minutes from March 23, 2022. Mr. Carleton seconded the motion and the board approved it unanimously.

V. Items for Action

A. Petition for a permanent waiver from MidAmerican Energy Center (E2022-006)

Mr. Christian Hilmar, Project Manager from Alimak Group, attended the meeting remotely and spoke to the board regarding this previously postponed request.

They are requesting a variance from the requirement of the single-swing door for the elevator. Their contention is that it interferes with a wire tray that cannot be moved. There are 14 landings and the cost of correcting the cable tray would be substantial. This location is not accessible to the general public, as it is a restricted area.

Mr. Clabaugh made the motion to approve the variance request. Mr. Carleton seconded and the board approved the motion unanimously.

B. Petition for Declaratory Order from 3S Americas (E2022-009)

Mr. Chris Mone was in attendance on behalf of 3S Americas to speak to the board about this petition. 3S Americas is a supplier for wind turbines of climb and service assist lifts. Mr. Mone stated there are approximately 2000 of the Climb Auto Systems installed in the United States and 50,000 worldwide. Mr. Mone was asked if other states conduct inspections of these lifts. He

stated that they do not, however, Illinois forfeited jurisdiction over these devices to the local municipalities.

The device has the technician step on the platform and connect to a fall arrest system, or they may free climb the ladder. The lift can also be used remotely to send tools. The board was shown the operation of the lift on 3S Americas' webpage.

Mr. Schumacher questioned whether the lift would operate if the fall arrest were not attached. Mr. Mone responded that it is not mandatory for operation of the device for the fall arrest to be engaged. Mr. Sims stated that with the current elevators in use, the technician does not have to use the fall arrest while in the unit, but it has the safety of being enclosed.

Mr. Sims read Chapter 71.1 that refers to the wind tower lift rules. Chapter 72 talks about applicable codes in 72.1.1. Mr. Sims' opinion is that it should be inspected under A17.8 due to how it is powered. The unit is power driven by a traction steel gauge cable, not a belt.

There was significant discussion by the board and those in attendance from the public as to the safety concerns of the device.

Ms. Caroline Barrett, Assistant to the Attorney General for the State of Iowa, offered some clarification on how the board could move forward procedurally. The Petition for Declaratory Order application is only binding on this device. It is difficult to apply the rules to this device as they have not been adopted for this specific unit. It is up to the board to make the decision as to whether it falls under their purview under 89A. Mr. Sims concern is this device will be opening the door for use beyond wind tower applications.

Mr. Sims made a motion to grant the application for Declaratory Order and that the order is based on the set of facts outlined today that the Elevator Board is to have jurisdiction over this device.

Mr. Dixon seconded the motion. The remaining board members denied the motion. Therefore, the ruling is that the Elevator Safety Board does not have jurisdiction over this device.

VI. Division of Labor Report

Commissioner Rod Roberts thanked Ms. Kesterson, Mr. Sims and Mr. Carleton for their service to the board. The board will be comprised on May 1st of Ms. Dixon, Mr. Clabaugh, Mr. Schumacher and Ms. Infelt and Mr. Troy Tillerias. Ms. Uehling will continue to serve as a representative of the Commissioner. The Commissioner encouraged the board members who are leaving to consider at a future time applying to serve again. He stated that the decisions on applicants are at the discretion of the Governor and her staff.

The annual Worker's Memorial will be held in person this year on April 28th just west of the State Capitol. The Iowa Division of Labor partners with the unions to participate in recognizing the families of fallen workers and all the efforts put in yearly for safety by the State of Iowa.

The legislature is still in session and no adjournment has been set yet.

Ms. Kesterson appointed Ms. Dixon as Chairperson for the board at the next meeting.

VII. Communications

None.

VIII. Next meeting dates

- Tuesday May 17, 2022 at 9:00 am – to be held in-person with a remote option

IX. Next meeting agenda

- Board Elections
- Board Training.
- Variance request from BlueMoon Properties, LLC.

X. Public comments

Mr. Chris Shay voiced his opinion that the board “missed the mark” on the ruling regarding jurisdiction of the lifts with the Petition for Declaratory Order.

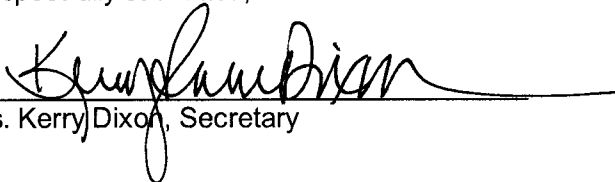
Mr. Sims thanked the Commissioner for his kind words and stated that being a member of the board was a “passion” of his. He expressed his disappointment that the Governor decided to leave vacancies on the board, rather than reappoint current members to fill the void. Mr. Sims intends to attend the meetings as a member of the public. Ms. Kesterson echoed Mr. Sims sentiments. Mr. Carleton also stated that it was “a joy” to serve on the board as well.

Ms. Vicki Hoppe with the Division of Labor requested that the continuing board members let her know when they don’t plan on attending a meeting. Due to the vacancies, we are closer to a quorum not being met if there are absences.

XI. Adjournment

Ms. Sims moved to adjourn the meeting and the board approved. The meeting adjourned at 10:35 a.m.

Respectfully submitted,


Ms. Kerry Dixon, Secretary