

**Minutes  
Board of Appeals  
Commission Chambers  
Tuesday, July 9, 2013, 8 a.m.**

**Members Present**

Tim Fonder, Dave Van Nieuwenhuyzen, Liz Squyer, Jarrod Smart, and Allison Dvorak

**Guests Present**

Bob Winkels, Mike Cooper, Kristen Schulte, James Scott, Gary Dean, and Keith Thompson

**New Business**

1. The Board welcomed new member Allison Dvorak
2. Based on the recent term expiration of the previous Chairman, an election for the Chair and the Vice Chair occurred.

A motion was made by Mr. Van Nieuwenhuyzen and a second was made by Ms. Squyer to nominate Tim Fonder as the Chair of the Board. Yeses, 5. Noes, 0.

A motion was made by Ms. Squyer and a second was made by Ms. Dvorak to nominate Jarrod Smart as the Vice Chair of the Board. Yeses, 5. Noes, 0.

3. The Board reviewed a pending ordinance to modify the threshold for automatic sprinkler systems in multifamily dwellings to be consistent with the rule made by the South Dakota State Fire Marshall's office; to change the qualification requirements for the Electrical and Plumbing Board of Appeals to be consistent with the other Boards administered by Building Services to reference that Board members be qualified by experience and training in order to pass on matters related to the specific Board; and to correct the responsible individual that administers those licenses administered by Building Services.

A motion was made by Mr. Van Nieuwenhuyzen and a second was made by Mr. Smart to recommend adoption by the City Council. Yeses, 5. Noes, 0.

4. Bob Winkels represented Sanford Health systems which is currently constructing the Pentagon which is to be located at 2210 Pentagon Place. Mr. Winkels specified that the building code recognizes the need for sightline constrained guard heights and therefore lowers the height

requirement from 42 inches down to 26 inches where the railing or fascia interferes with the sightlines of the immediately adjacent seating. It has been interpreted by staff that the lowered guards be applicable adjacent to fixed seats. Mr. Winkels requested that the lowered sightline guards be allowed adjacent to movable seats based on a table configuration as proposed for the guards located in the vicinity of a public access assembly area. It was noted by the secretary that a decision on the Pentagon will set the precedent to allow the same type of guard configuration for the Events Center. Mr. Winkels proceeded to explain that the table configuration adjacent to a loose seating area will provide an equivalent or better protection than a 26 inch high guard that the code allows for sightlines.

A motion was made by Ms. Squyer and a second was made by Mr. Smart to approve the reduced height guard based on the fixed table configuration and that there be provided loose seating at the tables in lieu of an open walking surface. Yeses, 4. Noes, 0. It was noted that Mr. Van Nieuwenhuyzen abstained.

5. Kristen Schulte of Koch Hazard Architects represented the Good Samaritan Society which is constructing the City Center Apartments which is to be located at 620 N. Main Avenue. At issue are the locking mechanisms on the doors leading from the second and third story corridors to exterior patios at each end of the building. The code requires that the doors either be openable from the patio side back into the corridors, or that access controlled hardware be provided. Access controlled hardware requires a manual operating unlocking device be provided on the patio side with signage stating, "Push To Exit". The owners perceive the openable doors or the unlocking device as being a security breach for the building. Ms. Schulte proposed the use of a key fob that is used to control the electric strike on the doors to access the patios and to reenter the building.

A motion was made by Mr. Van Nieuwenhuyzen and a second was made by Ms. Dvorak to allow the use of a key fob for access control to enter and exit the patios in lieu of the signage and the push to exit hardware.

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Secretary