

KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

Mark R. Cook, PE Director

October 10, 2017

Mr. Christopher Horner
Deputy Prosecuting Attorney
205 West Fifth, Room 213
Ellensburg, WA 98926-3129

RE: Claim No.: 201708160073

Dear Mr. Horner:

Public Works has reviewed the claim for damage (EXHIBIT 1) submitted by Teresa Ann Sloan; James Foode dated 08/16/2017. I have verified that the gate utilized by Ms. Sloan on August 12, 2017 was damaged at the time Ms. Sloan alleges damage to her vehicle (EXHIBIT 2) from M2 Fence Company.

It is my understanding that Ms. Sloan has a private hangar at Bowers Field and that she regularly uses the east gate when accessing her hangar. Her frequent use of the gate requires her to have a good understanding of the functionality of the gate. It is reasonable to assume that Ms. Sloan should have known that abandoning her vehicle in the middle of the gate opening would result in the gate closing. It appears that is exactly what happened. Our gate contractor notes that there was no damage to the gate edge – suggesting the gate closed on the vehicle and reversed according to design specifications. Our contractor also expresses bewilderment as to why someone would abandon their vehicle in the middle of the gate closure.

While I acknowledge that our gate was damaged at the time of the reported incident, I cannot excuse the culpability of Ms. Sloan who is familiar with the gate and its operational sequence. It is reasonable to assume that Ms. Sloan should have known better than to abandon her vehicle in the midst of a gate cycle. I recommend that the claim for damages be paid by the Board of County Commissioners at a reduced claim value of \$603.61 – one half of the claim cost.

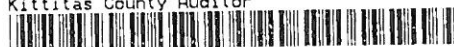
Respectfully,

Mark R. Cook
Director

Attachments: Exhibit 1 Claim No. 201708160073
Exhibit 2 M2 Supporting Electronic Message

C: Lisa Young, Risk Manager

Exhibit 1: Claim No. 201708160073



PROSECUTOR GZ
COMMISSIONERS JK
DEPARTMENT MC
INSURANCE JP

KITTITAS COUNTY CLAIM FOR DAMAGES

Return to:

County Auditor

205 W 5th Ave, Suite 105

Ellensburg, WA 98926

509-962-7504

Instructions:

Please read the entire form before completion. Fill out each question as completely as possible, to the best of your ability. Do not hesitate to use the back side of this form if you need more than the space provided. An incomplete response may delay the processing of your claim.

1. Name (Including spouse, if married):

Teresa ANN SLOAN; JAMES FOOD

2. Phone ^{cell} (Home): (509-929-3192) (Work): (same)

3. Address (include former address if at present address for less than 6 months):

2310 N. Ellington St, Ellensburg, WA 98926

Physical

PO Box 1192, Ellensburg, WA 98926

Mailing

4. Date of Birth: 12/31/54

5. Date and Time of Incident:

08/12/17, approx 9:45 am

6. Location of Incident:

gate #16, Bowers Field,
closest address 1301 BOWERS Rd
Ellensburg, WA

7. Describe in detail the defect which caused the injury:

Safety devices removed from gate #16
Steel plate cover for sensor broken off &
lying on ground, reflector missing on other side

8. Describe in narrative form and in detail exactly how the incident occurred:

I had just departed through the gate when
I noticed my husband inside limping towards
the gate; I turned around and stopped at the
gate to see if he needed help. Gate started to
close - Realized safety not working. afraid it

9. List the names of all persons involved and contact information, if known.

would crush car; backed up but gate hit
car & gashed through metal of front 1/4 panel.

JAMES Foode, same #; VIRGIL THORSON 509-962-4156
(Virgil saw gate & yelled at me to see it)

10. Was claim investigated by a police officer? yes

Sheriff ☒ State Patrol _____ City Police _____

11. Description of claimant's vehicle: Subaru Make 2015 Year

Model: Impreza License No. A 000084

12. Describe what you did after the accident occurred:

Went home to file claim w/ insurance, returned
that afternoon & saw safety devices missing, called
Sheriff.

13. Describe the conversations you had, if any, with County personnel during or after the incident occurred:

8/12/17 - Sheriff responded it was private property,
didn't investigate - told to report it to county on
Monday 8/14/17 - which I did
8/14/17 - I called Sheriff again - requested they
look into it as a case of vandalism - Deputy came
out, saw missing safety ^{2 of 3} devices
filed a report.

14. Describe the damages or injuries which you sustained as a result of the incident:

gash through the metal of front left
quarter panel

15. What is the amount of damages claimed? (Include estimates and bills, if available):

\$ 1207.21, university auto
center - estimate attached

16. How did you identify the County as the party responsible for your damage?

The county owns/maintains airport.

17. List the names and addresses of all witnesses to the incident:

James Foode - 2310 N Ellington St. Ellensburg
Virgil Thovson - 2119 E 1st Ave, Ellensburg

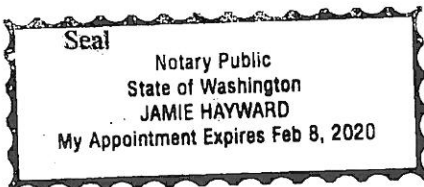
18. Are you covered by insurance? yes If yes, who is your insurance agent/carrier?

Liberty Mutual - Amanda Kunkel

Dated this 16th Day of August, 2017.

[Signature]
Signature of Claimant

Subscribed and sworn (affirmed) to before me this 16 day of August, 2017



[Signature]
Notary Public in and for the State of Washington
Residing at 110 W 5th Ave, Ellensburg WA
98926

UNIVERSITY AUTO CENTER

PO Bx 619, 607 N Pearl St, ELLENSBURG, WA
98926

Phone: (509) 962-7176

Preliminary Estimate

Federal ID: 911148556
Resale Number: c600411211
State EPA: wado19201771

9-26-17
TUESDAY

Customer: SLOAN, TERESA

Job Number:

Written By: Paul Chrimer
Adjuster: ELLIS, SAKENAH, (800) 832-5495 Business

Insured: SLOAN, TERESA Policy #: AMC Claim #: 036008941-0001
Type of Loss: COLL - Collision Date of Loss: 8/12/2017 12:00 PM Days to Repair: 0
Point of Impact: 10 Left Front Pillar (Left Side)

Owner:
SLOAN, TERESA
2310 N ELLINGTON ST
ELLENSBURG, WA 98926-2096
(509) 963-3691 Business
(509) 925-1028 Evening

Inspection Location:
607 N Pearl St
Ellensburg, WA 98926-3115
Other

Insurance Company:
LIBERTY MUTUAL FIRE INSURANCE COMPANY
Warrenville Claim Office
27201 Bella Vista Parkway
Suite 400
Warrenville, IL 60555
(800) 838-7103 Business

VEHICLE

2015 SUBA Impreza Wagon Sport Limited w/Continuously Variable Transmission 4D WGN 4-2.0L Gasoline Sequential MPI

VIN: JF1GPAZ67F8316731 Interior Color: Mileage In: Vehicle Out:
License: Exterior Color: Mileage Out:
State: WA Production Date: Condition: Job #:

TRANSMISSION

Automatic Transmission
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Heated Mirrors

DECOR

Dual Mirrors
Tinted Glass
Console/Storage

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel
Cruise Control
Rear Defogger
Keyless Entry
Alarm
Message Center
Steering Wheel Touch Controls
Rear Window Wiper
Telescopic Wheel
Climate Control
Backup Camera w/Parking Sensors

RADIO

AM Radio
FM Radio
Stereo

Search/Seek

CD Player
Auxiliary Audio Connection
Satellite Radio

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Front Side Impact Air Bags
Head/Curtain Air Bags
Communications System
Hands Free Device

ROOF

Luggage/Roof Rack

SEATS

Bucket Seats

Reclining/Lounge Seats
Leather Seats
Heated Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Three Stage Paint

OTHER

Fog Lamps
Traction Control
Stability Control
Rear Spoiler
Signal Integrated Mirrors
Power Trunk/Gate Release

Preliminary Estimate

Customer: SLOAN, TERESA

Job Number:

2015 SUBA Impreza Wagon Sport Limited w/Continuously Variable Transmission 4D WGN 4-2.0L Gasoline Sequential MPI

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	FENDER						
2	**	Repl A/M CAPA LT Fender	57120FJ0119P	1	197.00	1.9	2.2
3		Add for Three Stage		0	0.00	0.0	1.5
4		Add for Edging		0	0.00	0.0	0.5
5	HOOD						
6	Blnd	Hood		0	0.00	0.0	2.1
7	WINDSHIELD						
8	R&I	RT W/S hood nozzle		0	0.00	0.2	0.0
9	R&I	LT W/S hood nozzle		0	0.00	0.2	0.0
10	FRONT DOOR						
11	Blnd	LT Door shell		0	0.00	0.0	1.4
12	Repl	LT Belt w/strip	61280FJ011	1	86.62	0.3	0.0
13	R&I	LT R&I mirror		0	0.00	0.3	0.0
14	R&I	LT Handle, outside w/o chrome, w/o keyless start paint to matc		0	0.00	0.4	0.0
15	R&I	LT R&I trim panel		0	0.00	0.4	0.0
16	#	Refn TINT COLOR		0	0.00	0.0	0.5
17	#	COVER CAR FOR O'SPRAY		1	0.00 T	0.0	0.2
18	#	HAZARDOUS WASTE DISPOSAL		1	4.00 T	0.0	0.0
SUBTOTALS					287.62	3.7	8.4

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			283.62
Body Labor	3.7 hrs @	\$ 49.00 /hr	181.30
Paint Labor	8.4 hrs @	\$ 49.00 /hr	411.60
Paint Supplies	8.4 hrs @	\$ 28.00 /hr	235.20
Miscellaneous			4.00
Subtotal			1,115.72
Sales Tax	\$ 1,115.72 @	8.2000 %	91.49
Grand Total			1,207.21
Deductible			250.00
CUSTOMER PAY			250.00
INSURANCE PAY			957.21

Exhibit 2: M2 Supporting Electronic Message

Candie Leader

From: Rob Rector <rob@m2industrial.com>
Sent: Monday, October 09, 2017 3:34 PM
To: Candie Leader; Mark Cook; Jim Van De Venter
Subject: Bowers Field Gate

I am writing in regards to the East Gate at the Bowers Field location. Kittitas County Public Works notified me that the East Gate had possibly struck a vehicle while closing. I went to the site and determined that the photo eyes were not functional. I also attempted to reverse the gate by activating the gate safety edge. This was also not functional. I removed the cover from the transmitter and found that the battery was missing. The gate edge was also damaged on the top from having contact with the latch post assembly. This may have been affecting the gate function and possibly the reason the battery was removed. I left a message for Jim indicating what I had found. At the time I did not know that he was on vacation. Approximately 2 days later Candie called me about the gate. I told her what I found and that I had left a message with Jim, she told me that he was on vacation and that I had the go ahead to replace the gate edge and transmitter so that they were functional. I also told her that I would not be able to replace the photo eye until the fire risk was lower. I have to grind and weld to complete the photo eye replacement and there is a lot of dry brush at the gate location.

Mark Cook also contacted me after the initial call and inquired about the responsibility of the county to the owner of the damaged vehicle. I told him what I had found with the items that were not working. I also told him that in order for the gate to hit a car, the car would have to be parked within the gate opening for at least 20 seconds. The gate has an auto timer on it that holds it open and then starts to close. Im not sure why someone would park in the middle of the gate for that long and/or get out of their vehicle and leave it there. I also noted that there was no damage to the gate edge where it would strike a vehicle in motion. The gate operator also has a built in sensor that monitors and detects a spike in motor current load when there is contact with an obstruction. This also causes the gate to reverse. I don't know how much damage there was to the vehicle, but I don't feel the gate could have done much since it is a slow speed strike and then reverses. It doesn't hit with momentum, it just pushes and then reverses.

If I can be of help in any way please feel free to call me.

Thanks
Rob

ROB RECTOR | Estimator | (509) 899-4502



Office: (509) 925-6303 | Fax: (509) 925-6444
180 Hanson Road | Ellensburg, WA 98928 | www.m2industrial.com