

MISSOULA COUNTY ATTORNEYS OFFICE
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May 17, 2023

Mr. Blake Wigdahl
Principal
Process Curiosity, LLC
847 South 700 E.
Salt Lake City, UT 84102

VIA: USPS and email to blake@processcuriosity.com

RE: Missoula Public Library DNA Climber

Mr. Wigdahl:

I am writing on behalf of the Missoula Public Library (MPL) to again request Process Curiosity remedy the ongoing deficiencies of the DNA Climber under its original obligations. Process Curiosity was engaged to design and fabricate a structure that would be fit for children to both interact with and to safely play on. In July of last year, certified playground inspector Anthony Malkusak evaluated the structure and made deficiency findings, which initially prevented MPL from opening the DNA Climber to the public. These were presented to Process Curiosity via my email in August of last year.¹ We appreciate that you have attempted to remedy the deficiencies during the fall of last year, however these efforts have not fully and sufficiently addressed the issues MPL raised.

As a prime example, the addition of "netting" covering to the stairwell entrance, does not remedy the safety concerns raised by Mr. Malkusak and, in fact, may have created a new safety concern where it is plainly possible for a child to climb on top of the added netting and then risk a fall from the second story to the ground floor. Other safety concerns remain such as the stairwell tread openings remain too large for its intended use² and the slide feature remains a fall hazard. It had been understood that the netting

¹ Antonio Malusak, Abundant Playscapes, "Missoula Public Library Indoor Helix Climber: On-site Playground Safety Audit and ADA Assessment", July 14, 2022.

² *Id.* at page 17, "Helix Climber: Head Entrapments"

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solution was intended to address this concern, but ultimately did not. Finally, in addition to the safety concerns, portions of the fabrication, such as the DNA Climber Side Panels³ still appear to not be fully and finally finished.

Since your last visit, MPL has investigated what options it has to make sufficient retrofits to make the Climber usable and believes its only available option at this time is to request Process Curiosity again return onsite and complete needed repairs or retrofits as soon as possible so that the DNA Climber may be safely opened for the public's use. I am requesting that Process Curiosity make staff available for a conference meeting to discuss the remaining deficiencies and to establish a reasonable timeline for the retrofits to be completed.

Please contact either me or Slaven with your or your staff's availability to discuss these requested fixes. In the event Process Curiosity is unable or unwilling to address MPL's request, please confirm the same in writing.

Sincerely,

Brian J. West

CC: Slaven Lee, Director, Missoula Public Library
Erica Grinde, Chief of People & Risk, Missoula County

³ *Id.* at page 12, "#5-01: Helix Side Panels"