

RESOLUTION NO. 158

CITY OF PAYETTE

WHEREAS, Horizon Construction was the successful bidder on that project which is commonly referred to as the Payette Downtown Sidewalk Project or L1089-1; and

WHEREAS, the City Council finds that on or about October 31, 1989 the job foreman indicated to City Officials and the City Engineers that Horizon would be pulling off the job and would be back next spring; and

WHEREAS, the contract provides that the contractor has one hundred twenty (120) days to complete his performance and that time has not yet expired; and

WHEREAS, at the same time this information was received from a foreman that the crews would be back next spring, Horizon Construction pulled their equipment and barriers, their forms and men off the site giving the impression that they were, in fact, leaving the job site permanently; and

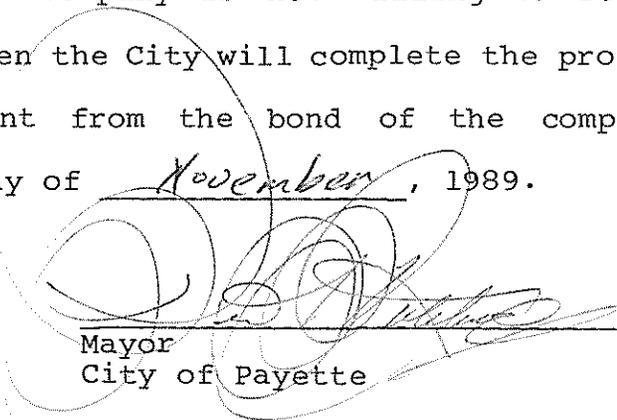
WHEREAS, when pulling off the site Horizon Construction left unguarded cuts in the pavement; and

WHEREAS, people have fallen into those cuts, cars have driven into them and had to be extricated; the City Council resolves as follows:

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO that Horizon Construction's conduct in pulling off the job is unacceptable. That leaving unprotected trenches and unfinished sidewalk presents a clear and present danger to the citizens of Payette and any person who may be walking in downtown Payette. The City makes a specific finding that an emergency exists involving the health and well being of the citizens of this City and therefore resolves that the most dangerous areas of exposure shall be fixed by City crews immediately.

Horizon Construction will be notified of the City's intent to proceed and if the company is not willing to return and complete their project then the City will complete the project itself and seek reimbursement from the bond of the company.

DATED This 6th day of November, 1989.



Mayor
City of Payette

ATTEST:

John P. Franks
Clerk