



## City Council Staff Report

REPORT DATE: May 10, 2021

MEETING DATE: June 09, 2021

SUBJECT 20 E Center- Approval to demolish and remove a building that has become a nuisance.

ITEM TYPE  Public Hearing  Work Session  Action Item

PRESENTER Herbert Heimerl, City Attorney

### APPLICABLE VICTOR VALUES

Culturally Historic  Sustainable  Connected to Nature  
 Small Town Feel  Family Friendly  Administrative Need

### PURPOSE & PROCESS

The purpose of this item is to get approval to demolish the structure at 20 E Center Street. The Victor Code states at section 4-1-4: *Abandoned Buildings A. Buildings that are dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials, or that are left in a state of partial construction or demolition, or disrepair. B. Buildings that are unpainted (except color coated or natural finish coated), or where paint on the building exterior is mostly worn off, cracked or peeling; or where roofing or other exterior materials or components are deteriorated, mostly infested with dry rot, or warped so as to constitute an unsightly appearance; or contribute to blight and property degradation. C. Whenever the enforcement officer deems that a building is abandoned, he shall forthwith issue notice, in writing, served by registered mail or by leaving such notice at the residence of the offending owner stating the manner of the violation and ordering the owner to make the necessary repairs to make the building code compliant and habitable or to demolish the building. The offending owner shall have thirty days to comply with the order unless for reasonable cause an extension of time is granted by the City Council. The City may in the event of non-compliance with its order and at its option, exercise all legal remedies to include ordering the demolition of the property at the owner's expense. (Ord. 08-0827-1).*

### BACKGROUND/ALTERNATIVES

I have send the owner letters on 2 separate occasions and talked with them twice. They have failed to take the corrective action and were in fact leaning toward just having the city do it and bill them anyway. I spoke with Mary and she sounded elderly.

### ATTACHMENTS

Letters sent to owner

### FISCAL IMPACT

It will cost several thousand dollars to demo and clear. We should be able to assess the costs against the land but could take years to recoup costs.

#### STAFF IMPACT

Staff will have to project manage the demo and clearing.

#### LEGAL REVIEW

Complete

#### RECOMMENDATION

Staff recommends approval of the item as presented

#### SUGGESTED MOTION

I move to approve the demolition of the structure located at 20 E Center Street and clear, grade, and seed the lot, and assess the costs against the owner.

Roll call vote

Herbert J. Heimerl III  
*Licensed in ID, WY & NY*  
Melissa Heimerl  
*Licensed in ID & NY*

## HEIMERL LAW FIRM, P.C.

Crystal Osbrach, Paralegal

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P.O. Box 499  
Victor, ID 83455  
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May 17, 2018

William L. McDonald, M.D. and Mary Ann McDonald  
As trustees of the William L. McDonald, M.D. and Mary  
Ann McDonald Trust u/a 11-12-01  
12912 CASA LINDA LANE  
GARDEN GROVE CA

92841 Dear Mr and Mrs McDonald,

I am writing to you as the City Attorney of the City of Victor, a political subdivision of the State of Idaho. Your trust owns property in the City of Victor commonly referred to as 20 E Center Street. The property has a structure on it that has deteriorated to the point that it is in violation of Victor City Code 4-1-4 (set forth below). The City has determined that the structure is well past the point in which it can be salvaged (see enclosed pictures). We are ordering you to have the structure removed and to bring the land to grade and seed it with an appropriate weed and erosion resistant plant or grass. If you call me I can supply you with the names of local contractors that can do this work. In the event that you do not present us with a contract on or before July 1, 2018, showing that the work will be completed on or before November 1, 2018, the City will exercise all legal remedies to include ordering the demolition of the property at your expense. You will also be responsible for all legal and other fees incurred by the City including City staff time. Thanks for your time and cooperation.

Very truly yours,



Herbert J. Heimerl III

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4-1-4: Abandoned Buildings A. Buildings that are dilapidated, abandoned, boarded up, partially destroyed, have broken windows or broken windows secured with wood or other materials, or that are left in a state of partial construction or demolition, or disrepair. B. Buildings that are unpainted (except color coated or natural finish coated), or where paint on the building exterior is mostly worn off, cracked or peeling; or where roofing or other exterior materials or components are deteriorated, mostly infected with dry rot, or warped so as to constitute an unsightly appearance; or contribute to blight and property degradation. C. Whenever the enforcement officer deems that a building is abandoned, he shall forthwith issue notice, in writing, served by registered mail or by leaving such notice at the residence of the offending owner stating the manner of the violation and ordering the owner to make the necessary repairs to make the building code compliant and habitable or to demolish the building. The offending owner shall have thirty days to comply with the order unless for reasonable cause an extension of time is granted by the City Council. The City may in the event of non-compliance with its order and at its option, exercise all legal remedies to include ordering the demolition of the property at the owner's expense. ( Ord. 08-0827-1).



**Herbert J. Heimerl III**

217 S Main Street • PO Box 499 • Victor, ID 83455  
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herb@beardstclair.com

VIA MAIL

June 3, 2021

William L. McDonald, M.D. and Mary Ann McDonald  
As trustees of the William L. McDonald, M.D. and Mary  
Ann McDonald Trust u/a 11-12-01  
12912 CASA LINDA LANE  
GARDEN GROVE CA 92841

Dear Mr. and Mrs. McDonald,

I am writing to you again as the City Attorney of the City of Victor, a political subdivision of the State of Idaho. As we discussed a few years ago your trust owns property in the City of Victor commonly referred to as 20 E Center Street. The property has a structure on it that has deteriorated to the point that it is in violation of Victor City Code 4-1-4 (set forth below). The City has determined that the structure is well past the point in which it can be salvaged. We are ordering you to have the structure removed and to bring the land to grade and seed it with an appropriate weed and erosion resistant plant or grass. If you call me I can supply you with the names of local contractors that can do this work. In the event that you do not present us with a contract on or before August 1, 2020, showing that the work will be completed on or before October 1, 2020, the City will exercise all legal remedies to include ordering the demolition of the property at your expense. You will also be responsible for all legal and other fees incurred by the City including City staff time. Thanks for your time and cooperation.

Very truly yours,

Herbert J. Heimerl III

Enclosures as stated

cc: Oliva Goodale; Kimberly Kolner

Attorneys licensed in							
Idaho	Colorado	Montana	New York	North Dakota	Washington	Wyoming	Utah
Jared W. Allen	John M. Avondet		Michael W. Brown		Jeffrey D. Brunson		Gregory C. Calder
Dan C. Dümmer	Joseph D. Fairbank		Jarin O. Hammer		Herbert J. Heimerl III		Melissa Heimerl
Thomas J. Holmes	Megan J. Hopfer		Lindsay M. Lofgran		Kristopher D. Meek		Lance J. Schuster
Michael D. Gaffney of Counsel	E. Scott Lee of Counsel		Jack H. Robison of Counsel		John G. St. Clair of Counsel		Julie Stomper of Counsel

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