

BEFORE THE BUILDING COMMISSIONER OF THE CITY OF CRESTWOOD, State of MISSOURI

In re:)
)
8500- 8506 Park Crestwood) Hearing Date: July 28, 2025
)
Dangerous Building Designation,)

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER OF THE BUILDING COMMISSIONER

On July 28, 2025 evidence was presented regarding properties located at 8500-8506 Park Crestwood, a portion of the Forestview Apartment complex.

Brian J. Malone appeared on behalf of the City of Crestwood.

Robert E. Jones appeared on behalf of 8500-8506 Forest View Apts. Owner, LLC

The Following exhibits were received into the record:

- Ex. 1 The Municipal Code of the City of Crestwood, Missouri;
- Ex. 2 International Property Maintenance Code, 2015 edition;
- Ex. 3 International Fire Code, 2015 edition;
- Ex. 4 Uniform Plumbing Code, 2015 edition;
- Ex. 5 National Electrical Code, 2014 edition;
- Ex. 6 Ordinance 4972 of the City of Crestwood;
- Ex. 7 Memorandum designating Acting Building Commissioner;
- Ex. 8 Dangerous Building Determination, April 22, 2025;
- Ex. 9 Forestview Apartments Inspection Report, September 25, 2024;
- Ex. 10 Notice of Dangerous Building Hearing, July 10, 2025;
- Ex. 11 Title report prepared by Regency Title Group, October 7, 2024;
- Ex. 12 List of addresses within 8500-8506 Park Crestwood;
- Ex. 13 Floor plans for 8500-8506 Park Crestwood;
- Ex. 14 Certified copy of the warranty deed for the Property;
- Ex. 15 Certified copy of the deed of trust for the Property;
- Ex. 16 St. Louis County Parcel Viewer Image;

Ex. 17 Certified mail receipts for interested parties, Dangerous Building Determination, April 22, 2025;

Ex. 18 Photographs from May 28, 2025 inspection (total 15 photographs);

Ex. 19 Photographs from June 20, 2025 inspection (total 44 photographs);

Ex. 20 Map of Forestview Apartments;

Ex. 21 Registration of Foreign LLC, Forestview Apt. Owner, LLC;

Ex. 22 Certified mail receipts for interested parties, Notice of Dangerous Building Hearing, July 10, 2025; and

Ex. 23 International Building Code, 2015 edition.

Evidence was adduced from the below listed:

Jeff Faust testified, based on inspections performed by the Fire Chief and the City's Building Inspectors, he caused the preparation of the Inspection Report (*See Exhibit 9*). Further, he caused the dangerous building letter detailing the violations observed during inspections to be served via certified mail on the interested parties (*See Exhibits 8 & 17*). Further, after the interested parties failed to make the repairs by June 21, 2025 as directed in the April 22, 2025, letter, he caused a notice of hearing to be served via certified mail on all interested parties (*See Exhibits 10 & 22*) for this hearing scheduled for July 28, 2025.

Fire Chief Leo Meyer testified he has served as a firefighter for over 30 years. He has served in his current capacity as Chief /Fire Marshall for the last 6 years. Chief Meyer performed several inspections of the 8500- 8506 Park Crestwood properties. Chief Meyer testified he is responsible for inspections to determine compliance with the Crestwood Fire Code (*See Exhibits 1 & 3*). He conducted several inspections at the 8500- 8506 Park Crestwood properties, including inspections on May 28, 2025 and June 20, 2025 (*See Exhibits 18 & 19*). Chief Meyer testified the concrete walkways, concrete stairs, and wooden stairs were deteriorating¹ and inadequate for first

¹ *See Exhibit 3*, International Fire Code ("IFC"), § 107.1; *see also Exhibit 2*, International Property Maintenance Code ("IPMC"), §§ 305.1, 305.1.1, 305.2, 305.4.

responders to traverse in the event of a fire or medical emergency. He noted exposed rebar and holes in the concrete visible to the naked eye. The photographs from his inspections on May 28, 2025 and June 20, 2025 show raw sewage accumulating in the basements, support beams not secured to the floor, plumbing fixtures leaking fluids onto electrical work, non-approved flammable foam in multiple locations, rotted subfloor, and failing exterior wooden walkways, flooring, and support structures.² Electrical services lines were worn through and were too close to walkways. Further, electrical boxes in the basement were missing secured covers, showed evidence of tampering, and were painted to conceal rust.³

Chief Meyer testified sewer gasses and smoke could seep into the apartment units due to the holes in the subfloor. He testified the 8500- 8506 Park Crestwood structures are unsanitary and dangerous to the occupants, their guests, and for first responders. He stated he believes it is unsafe for the units to be occupied in light of the aforementioned health hazards and fire safety concerns. Further, he testified the unsafe means of ingress and egress create a risk to the public in the event of an emergency.

Chief Meyer did add some remedial work, such as cleaning out of storage units had been performed.

John Kintz, Code Enforcement Officer for the City of Crestwood, testified he accompanied Chief Meyer on his inspections, noting the aforementioned electrical and plumbing code

² See Exhibit 4, Uniform Plumbing Code, § 1103.P-120; see also Exhibit 2, IPMC §§ 302.3, 304.1.1, 304.11, 305.1, 305.1.1, 305.2, 305.4.

³ See Exhibit 5, National Electrical Code, §§ 230.23(B), 230.22, 314.15(C), 314.25.

violations, failing and deteriorated walkways and staircases, failing soffits, and the presence of raw sewage in the basements.

Frank Sturgill, Assistant Manager of Inspections for St. Louis County, testified he is familiar with the Property from his role in the County's Building Department. He reviewed Forestview's applications for permits and conducted several inspections of the 8500-8506 Park Crestwood property. He testified the structures are in disrepair, there are many safety issues, and many repairs were made without permits. Mr. Sturgill noted much of the work on the electrical boxes was not properly permitted, and paint had been sprayed over the breakers. He noted plumbing is running directly over the electrical boxes, which is not allowed under the codes adopted by the City and the County. Further, he noted moisture and deterioration of the walls around the electrical boxes. He noted sewer gas was leaking into the basement, which is unhealthy, and will cause mildew. Mr. Sturgill stated he is concerned for the safety of the structure's occupants, particularly due to the numerous electrical violations, holes in the subfloor, plumbing issues, and inadequate support for the walkways/stairs. Mr. Sturgill noted the repairs that have been made to the structure were not done professionally.

Frank Sturgill testified the permit applications presently under review by St. Louis County were for building/structural work only, and did not authorize mechanical, electrical, or plumbing work.

Joe Montoya, Forest Views sole witness, did not dispute the necessity of repairing and or abating the violations and dangerous conditions documented by the City. Mr. Montoya stated a permit has been issued for 8502 Park Crestwood, that permit applications are pending for 8500, 8504, and 8506 Park Crestwood, and that Forestview is negotiating a construction contract to make the permitted repairs. Mr. Montoya stated it was Forestview's intent to keep the units occupied

while the repairs were made. He estimated the total cost to be approximately \$1 million, and stated such repairs could be made within approximately thirty (30) days, though the extent of the needed repairs would not be known for certain until the work commences

Conclusions of Law

“Sections 67.398 and 67.400 are enabling statutes that permit a municipality … to enact ordinances or orders requiring demolition and repair of buildings that adversely affect the health, safety, or welfare of the residents and that have been declared a public nuisance. ‘Every citizen holds his property subject to the valid exercise of the police power.’” Blodgett v. Rhymer, 279 S.W.3d 242, 245-246 (Mo. App. S.D. 2009) (internal citations omitted). “‘Generally, the function of the police power has been held to promote the health, welfare, and safety of the people by regulating all threats either to the comfort, safety, and welfare of the populace or harmful to the public interest.’ Building regulations by a municipality are an exercise of the police power....” City of Kansas City v. Jordan, 174 S.W.3d 25, 40 (Mo. App. W.D. 2005) (internal citations omitted). “In fact, ‘the preservation of the public health is a paramount end of the exercise of the police power of the state.’ …” Id. at 41 (internal citations omitted). “Where public safety and welfare, as well as peace and health are involved, the sovereign may abridge, abrogate, impair, or even *destroy* property. …” Id. Emphasis in original.

Section 67.400, RSMo authorizes cities to enact ordinances to “provide for vacation and the mandatory demolition of buildings and structures, or mandatory repair and maintenance of buildings or structures within the corporate limits of the city … which are detrimental to the health, safety or welfare of the residents and declared to be a public nuisance.” Pursuant to such authority Crestwood has, by ordinance, enacted §§ 7-181 through 7-191 of Article VIII of Chapter 7 of the

Code, regarding dangerous buildings. Further, Crestwood's status as a charter city empowers it to enact ordinances requiring that dangerous buildings be repaired and/or vacated, and regulating the procedure to do so, independent of the authority granted by §§ 67.400, RSMo, *et seq.* See City of Jefferson v. Buescher, 524 S.W.3d 132, 135 (Mo. App. W.D. 2017).

Section 7-187(a) of the Code provides that the Building Commissioner shall hold a hearing giving all interested parties in the property an opportunity to show cause as to why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the Building Inspector's determination and notice. If, after a full and adequate hearing, the Building Commissioner finds the evidence supports a finding that the building or structure is a dangerous building, and a nuisance and detrimental to the health, safety, or welfare of the residents, the Building Commissioner shall issue findings of fact and an order commanding the owner or persons having interest in said building to repair, vacate or demolish said building.

FINDINGS OF THE ACTING BUILDING COMMISSIONER

In this matter the Acting Building Commissioner finds:

- The City has substantially complied with the procedural requirements necessary to designate the properties at issue as dangerous buildings.
- A full and adequate hearing was conducted.
- A proper record of the hearing has been maintained by the City of Crestwood.
- All of the witnesses who testified were credible.
- The evidence supports a finding that the 8500-8506 Park Crestwood properties are dangerous and nuisances.

- The 8500-8506 properties are detrimental to the health safety or welfare of the residents.

Order of the Building Commissioner

Because the current conditions are detrimental to the health safety or welfare of the residents and because the structures are a nuisance, I find the structures should be vacated until repairs are completed and the structures pass appropriate inspections.

Accordingly, I order 8500 -8506 Park Crestwood structures be Vacated and Repaired within 30 days of this order.

Repair of the Structure shall entail, at a minimum, abatement/repair of all violations/hazards listed below:

- Electric Service lines less than 12' feet from walkways to residential units;
- Electric Service lines worn through, not properly insulated or covered, conductors on west side of the building worn through and exposed;
- Improper/open electrical boxes – Multiple NM cables run under joist without proper protection, multiple electrical boxes missing secured cover;
- Improper/missing fire blocking – proper fire blocking/sealant missing in multiple locations. Non-approved foam in multiple locations requires removal and replacement of approved caulk/blocking;

- Leaking plumbing stack causing gas, raw sewage to be present in the basement;
- Open/rotted subfloor in multiple locations throughout basement;
- Failed basement concrete structure/supports improperly held up with 2x6 plywood;
- Improper support column in basement not affixed to the floor; and
- Failing exterior wooden walkway, rotten/failed wood structure and flooring.

All work must be done in accordance with applicable codes after issuance of proper permits. Pursuant to this Order, the Structure shall not be occupied until repaired as provided herein. Should the 8500-8506 structure not be vacated within thirty (30) days, the Acting Building Commissioner, pursuant to § 7-187(a)(6) of the Code, may authorize the City to cause the Structure to be vacated and/or repaired, and may order that the Structure be cleaned up as the facts may warrant. If, upon failure of the Property's owner or other interested parties to make the repairs within the time provided, and the City makes repairs to the Structure, the Acting Building Commissioner shall certify the cost of performance to the City Clerk, who shall cause a special tax bill or assessment therefore against the Property. Said tax bill or assessment shall bear interest at a rate of 8% per annum until paid. Said tax bill from the date of its issuance shall be deemed a personal debt against the owner of the Property, and shall also be a lien on the Property until paid.

WHEREFORE, based on the evidence adduced and the foregoing findings of fact and conclusions of law, I hereby order the structure known and numbered as 8500,8502,8504, and 8506 Park Crestwood be Vacated and Repaired. I direct the City to provide a copy of this order to all interested parties by certified mail and to post copies on each of the above listed units.

This Order may be appealed to the Circuit Court of St. Louis County as provided in RSMO 536.100 -536.140.

Should a party wish to appeal this order, the appeal must be made within thirty (30) days of the mailing or delivery of this order.

SO ORDERED THIS 11TH DAY OF August, 2025:



John P. Frisella, Acting Building Commissioner

Attest:



Helen Ingold, City Clerk

cc: Brian J. Malone
Robert E. Jones
Forestview Apts. Owner, LLC, 200 Park Ave, Suite 410, Beachwood, Ohio 44122
Forest View Development, LLC, Brian Bruce, Registered Agent, 165 N. Meramec Avenue, Suite 340, St. Louis, Missouri 63105
Midwest Bankcentre, Inc., Richard E. Grimmer, 2191 Lemay Ferry Road, St. Louis, Missouri, 63125
Integrated Facility Services, 1055 Cassens Industrial Court, Fenton, Missouri 63026
Panina Inc., d/b/a JA Construction Services, 6703 Levelland Road, Suite D, Dallas Texas 75252
The Sherwin-Williams Company, 9 Higbee Building, 101 W. Prospect Avenue, Cleveland, Ohio 44115
Residents of 8500-8506 Park Crestwood