



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

March 10, 2017

Building Parcel File:
1-C07-0-A15-006-0

Certified Return Receipt Number:
7010 2780 0000 7478 1019

James Barrett
401 Harris Street
Juneau, Alaska, 99801
seamusbarrett@hotmail.com

Subject: NOTICE AND ORDER OF DANGEROUS BUILDING
434 Third Street, Juneau, AK, 99801
Legal: Lots 4 and 5 fraction, Block 15, Juneau Townsite

Dear Mr. Barrett:

The attached Notice and Order was served yesterday on Ms. Kathleen Barrett, an owner, and Mr. Charles Cotten, a property manager all of the Bergmann Hotel.

In the attached Juneau Empire article dated 5:15 p.m. March 9, 2017, it quoted you and identified you as an owner of the Bergmann Hotel. I was not aware that you were an owner of the Bergmann Hotel.

You are hereby served with the attached Notice and Order as an owner or property manager or both. You, like Ms. Barrett and Mr. Cotten, are all required to comply with the attached Notice and Order.

If you need more information please call me.

Sincerely,

Charlie Ford, Building Codes Official
Community Development Department
Tel: (907) 586-0767 Fax: (907) 586-3365
Email: Charlie_Ford@ci.juneau.ak.us
Web Page: www.juneau.org/permits

cc: Rorie Watt, City Manager
Rob Steedle, CDD Director
Amy Mead, City Attorney
Dan Jager, Fire Marshal
Sven Pearson, Deputy Fire Marshal
Nate Watts, Code Compliance Officer
Guy Gleason, Chief Building Inspector



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

March 9, 2017

Building Parcel File:
1-C07-0-A15-006-0

Certified Return Receipt Number:
7010 2780 0000 7478 0821 (Barrett)
7010 2780 0000 7478 0814 (Cotton)

Breffni Place Properties LLC
Attn: Kathleen Barrett
16101 60th Ave W.
Edmonds, WA 98026

Charles Cotten
434 Third Street
Juneau, Alaska 99801

Subject: NOTICE AND ORDER OF DANGEROUS BUILDING
434 Third Street, Juneau, AK, 99801
Legal: Lots 4 and 5 fraction, Block 15, Juneau Townsite

Dear Ms. Barrett and Mr. Cotten:

The property that you are responsible for, located at 434 Third Street and known as the Bergmann Hotel, has had several health and safety inspections since October of 2016. At each one of these inspections you were given a detailed list of corrections to make. At our last inspection on March 6, 2017, we found very few corrections and several new violations. These violations (both new and outstanding) create an unsafe and unsanitary situation and according to CBJ 19.01.115.1 and the 2009 International Property Maintenance Code ("IPMC") (adopted at CBJ §19.11.010) at section 108, make the premises unfit for human occupancy.

I am posting the building as Unsafe for Human Occupancy as of 4:00 p.m., March 9, 2017. You Have 24 Hours from the time of this posting to vacate the building at which time the building will be condemned pursuant to IPMC 108 and CBJ Title 19.

You are ordered to abate the violations identified in this notice and order before the building can be occupied. IPMC 108.6. When you believe you have completely abated the violations, please contact me to arrange for an inspection. The Fire Marshall and I will determine if the building is safe for human occupancy.

A. VIOLATIONS

IPMC 108.1 provides as follows:

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

Violation 1: Damaged sheetrock in basement

Authority: IPMC 108.1.1 *“Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.”*

Findings: The sheetrock in the basement is damaged and violates IPMC 108.1. According to your correspondence on November 14, 2016, this item had been reported as completed and ready for inspection. On the walkthrough inspection of March 1, 2017, this item still remained an outstanding violation. Multiple areas that had previously been pointed out to Mr. Cotten and staff still remained open and exposed, including the area where the previous basement leak repair had taken place.

Order: You are ordered to repair the damaged sheetrock in the basement

Violation 2: Penetrations and damaged sheetrock

Authority: IPMC 108.1.1.

Findings: In addition to the basement sheetrock, there are numerous penetrations in the walls and ceilings that violate IPMC 108.1. According to your correspondence on November 14, 2016, these items had been reported as completed and ready for inspection. On the walkthrough inspection of March 1, 2017, this still remained an outstanding violation. Multiple areas still lacked adequate fire resistant rated construction, or where walls or ceilings are damaged, altered, breached or penetrated.

Order: You are ordered to seal and repair the penetrations and damaged sheetrock.

Violation 3: Missing skylight at the top of the stairwell

Authority: IPMC 108.1.1.

Findings: The missing skylight at the top of the stairwell violates IPMC 108.1.1. During the Fire & Life Safety inspection on March 1, 2017, the large skylight at the top of the stairs was still missing and exposed the interior of the building to the outside elements. Skylight at top of stairwell has been removed and is only covered loosely by a tarp creating a large opening. This opening creates an unsafe condition by providing a chimney effect that would be detrimental should a fire occur within the structure.

Order: Repair, replace or enclose the opening so that it is no longer open to the outside elements. Any repair shall conform to the snow load requirements of adopted International Building Code, CBJ Title 19.

Violation 4: Unsafe Boiler

Authority: IPMC 108.1.2 *“Unsafe Equipment Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.”*

Findings: The boilers violate IPMC 108.1.2. During the Fire & Life Safety inspection on March 1, 2017, the boiler room floor was flooding and the two boilers were operating at 100 psi, which grossly exceed the designed pressure range of 15 to 30 psi. The high pressure is causing the Pressure/Temperature Relief to release constantly. This is an imminently dangerous situation.

Order: Have the boilers serviced immediately by a certified technician.

Violation 5: Missing electrical receptacle covers and exposed electrical hazards

Authority: IPMC 108.1.2.

Findings: The missing electrical receptacle covers and exposed electrical hazards violate IPMC 108.1.2. According to your correspondence on November 14, 2016 these items had been reported as completed and ready for inspection. On the walkthrough inspection of March 1, 2017 this still remained an outstanding violation. Mr. Charles Cotten, the on-site responsible, was unaware that the covers were missing and explained that they must have been stolen by a non-resident.

Order: Replace missing electrical receptacle covers and abate electrical hazards.

Violation 6: Broken window glass

Authority: IPMC 108.1.3. *“Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.”*

Findings: The broken window glass violates IPMC 108.1.3. According to your correspondence on November 14, 2016, this item had been reported as completed by December 31, 2016. On the walkthrough inspection of March 1, 2017, this still remained an outstanding violation.

Order: Repair broken window glass.

Violation 7: Non-functioning or not opening windows

Authority: IPMC 108.1.3.

Findings: The non-functioning windows, especially any egress window that does not open, violate IPMC 108.1.3. According to your correspondence on November 14, 2016 these items had been reported as to be completed by December 31, 2016. On the walkthrough inspection of March 1, 2017 this still remained an outstanding violation.

Order: Repair every window that is non-functioning or not opening. Egress windows must be repaired before the building can be occupied.

Violation 8: Lack of adequate lavatories, water closets, and ventilation

Authority: IPMC 108.1.3.

Findings: The lack of adequate lavatories, water closets, and ventilation violate IPMC 108.1.3. According to your correspondence on November 14, 2016, this item had been reported as to be completed and ready for inspection. On the walkthrough inspection of March 1, 2017, this still remained an outstanding violation.

Order: Repair the lavatories, water closets, and ventilation.

Violation 9: Plumbing system hazards and non-operable plumbing fixtures

Authority: IPMC 108.1.3.

Findings: The plumbing system hazards and non-operable plumbing fixtures violate IPMC 108.1.3. According to your correspondence on November 14, 2016 these items had been reported as to be completed by December 31, 2016. On the walkthrough inspection of March 1, 2017 this still remained an outstanding violation. Hot water was not available to two of the restrooms. Two other restrooms were out of order, one due to being filled to the top with fecal matter and toilet water. At the time of the inspection, it appeared that only one restroom was operational with hot water. Multiple uncapped plumbing openings were observed.

Order: Abate the plumbing hazards and repair the non-operable plumbing fixtures.

Violation 10: Dangerous exterior doors and/or door assemblies and hardware

Authority: IPMC 108.1.5.1: *“Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous: 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.”*

Findings: The damaged or non-functioning exterior doors and door assemblies violate IPMC 108.1.5.1. According to your correspondence on November 14, 2016, this item had been reported as to be completed by January 31, 2017. On the walkthrough inspection of March 1, 2017, this still remained an outstanding violation.

Order: Repair or replace exterior doors, door assemblies/hardware.

Violation 11: Damaged sheetrock in basement

Authority: IPMC 108.1.5.1.

Findings: The damaged sheetrock in the basement violates IPMC 108.1.5.1. According to your correspondence on November 14, 2016 these items had been reported as completed and ready for inspection. On the walkthrough inspection of March 1, 2017 this still remained an outstanding violation. Multiple areas that had previously been pointed out to Mr. Cotten and staff still remained open and exposed, including the area where the previous basement leak repair had taken place.

Order: Repair the damaged sheetrock in the basement.

Violation 12: Emergency exit doors fail to open completely and auto-close

Authority: IPMC 108.1.5.1.

Findings: During the Fire & Life Safety inspection on March 1, 2017, the emergency exit doors failed to open completely and auto close, which is a violation of IPMC 108.1.5.1. According to your correspondence on November 14, 2016, these items had been reported as completed and ready for inspection. On the walkthrough inspection of March 1, 2017, this still remained an outstanding violation. During a visit to the Bergmann Hotel on February 22 due to a public concern, a refrigerator was found to be blocking the egress to the fire exit. This situation was pointed out to onsite staff who removed it. It was also noted that the autoclosing hardware on the door had been ripped off the door and was hanging on the door frame. Although it appeared unaltered from when it was previously discovered, Mr. Cotten explained that it had been repaired since that incident and must have been ripped off again in the exact same manner the evening before the March 1, 2017 inspection.

Order: Repair all emergency exit doors to open completely and auto-close.

Violation 13: Excessive storage in the basement

Authority: IPMC 108.1.5.8. *“Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous: ...8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.”*

Findings: During the Fire & Life Safety inspection on March 1, 2017, excessive storage was observed in the basement that creates a dangerous condition, which is a violation of IPMC 108.1.5.8. According to your correspondence on November 14, 2016 these items had been reported as completed and ready for inspection. On the walkthrough inspection of March 1, 2017 this still remained an outstanding violation. A large pile of black trash bags filled with items are stacked in one end of the former bar area that reached the

ceiling. Mr. Charles Cotten explained that these were hotel supplies obtained from the Baranof Hotel. Other items, broken electronics, and miscellaneous items filled the former restaurant area and adjoining areas.

Order: Remove all excessive storage in basement.

Violation 14: Excessive storage height in the basement

Authority: IPMC 108.1.5.8.

Findings: During the Fire & Life Safety inspection on March 1, 2017, excessive storage height was observed in the basement that creates a dangerous condition, which is a violation of IPMC 108.1.5.8. According to your correspondence on November 14, 2016, this item had been reported as completed by December 31, 2016. On the walkthrough inspection of March 1, 2017, this still remained an outstanding violation.

Order: Reduce the excessive storage height in the basement

Violation 15: Lack of sufficient fire protection system--sprinkler

Authority: IPMC 108.1.5.10 *“Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous: ... 10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.”*

Findings: During the Fire & Life Safety inspection on March 1, 2017, it was observed that the annual inspection for the sprinkler system expired in November 2016, which is a violation of IPMC 108.1.5.10. In addition, during a status inspection on March 8, 2017, the Fire Marshall’s Office observed that the sprinkler system was inoperable due to broken sprinkler piping, which is also a violation of IPMC 108.1.5.10. The piping appeared broken due to water freezing in the pipes. A fire watch was ordered.

Order: Have the fire sprinkler system inspected and all deficiencies related to the fire sprinkler system repaired by a qualified fire sprinkler technician. The fire watch is required to be maintained until this item is abated or the building is vacated and condemned.

B. PROHIBITED OCCUPANCY

Authority: IPMC 108.1 & 108.5 *“Prohibited Occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided in this code.”*

Finding: Based on the totality, severity, and recent history of violations described above, I find the occupants shall vacate the premises by the time set forth in this order.

Order: I am posting the building as Unsafe for Human Occupancy as of 4:00 p.m., March 9, 2017. You Have 24 Hours from the time of this posting to vacate the building at which time the building will be condemned pursuant to IPMC 108.

You are ordered to abate the violations identified in this notice and order before the building can be occupied. IPMC 108.6. When you believe you completely abated the violations, please contact me to arrange for an inspection. The Fire Marshall and I will determine if the building is safe for human occupancy.

C. PROSECUTION OF VIOLATION

IPMC 106.3 “Any person failing to comply with a notice of violation or order served in accordance with [IPMC] Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate”

D. DECLARATION OF ACCEPTANCE OR REJECTION

Pursuant to CBJ 19.01.115.3, you must declare to the Building Official your acceptance or rejection of the terms of this order by 9:00 a.m. on March 10, 2017, by contacting the Building Official.

E. RIGHT TO APPEAL

You may appeal this order within 20 days of service of this order, by filing a notice of appeal with the Municipal Clerk, indicating the basis for the appeal. CBJ 19.02.010.3 provides that an appeal shall be based on a claim that:

- a. The true intent of the building codes or rules have been incorrectly interpreted;
- b. The provisions of the Building Regulations Code (CBJ 19) do not fully apply; or
- c. There is an equally good or better form of construction (or repair) proposed by you.

Regardless of whether or not you choose to appeal this order, you must vacate the building within 24 hours from the time of this posting.

If you need more information please call me.

Sincerely,



Charlie Ford, Building Codes Official
Community Development Department
Tel: (907) 586-0767 Fax: (907) 586-3365
Email: Charlie.Ford@juneau.org
Web Page: www.juneau.org/permits

cc: Rorie Watt, City Manager
Rob Steedle, CDD Director
Amy Mead, City Attorney
Dan Jager, Fire Marshal
Sven Pearson, Deputy Fire Marshal
Nate Watts, Code Compliance Officer
Guy Gleason, Chief Building Inspector
Robert Palmer, Assistant City Attorney
Mila Cosgrove, Deputy City Manager
Lisa Phu, Public Information Officer
Scott Ciambor, Chief Housing Officer

Juneau Job & Career Expo 2017
Wednesday, March 15th • 12:00 - 5:00PM
Mendenhall Mall
Hosted by the Alaska Department of Labor & Workforce Development, Juneau Empire & AlaskaJobs.net

For More Information
Click Here



(/)

Posted March 9, 2017 05:15 pm - Updated March 9, 2017 06:28 pm

By LIZ KELLAR (/liz-kellar)

Juneau Empire

24-hour eviction notice posted at Bergmann Hotel

Local agencies to help displaced tenants find housing

2 Comments 272 Share



The Bergmann Hotel in downtown Juneau (Michael Penn | Juneau Empire file)

Tenants of the Bergmann Hotel have until mid-day Friday to get out.

The residents will likely be evicted after the City and Borough of Juneau on Thursday afternoon issued the owner of the downtown hotel a 24-hour notice of code violations, citing major health and safety concerns.

“Owner Kathleen Barrett, under Breffni Place Properties LLC, has 24 hours to rectify the violations. If she fails to do so, CBJ will be forced to close the building and tenants will have to be evacuated mid-day Friday,” the city said in a statement provided to the Empire.

Issues at the Bergmann — a historic building at the intersection of Third and Harris streets that has deteriorated over the years — are long-standing. Since October 2016, CBJ’s fire marshal and building code official have issued Barrett notices of code violations, and the past several months have included various inspections and walk-throughs.

Health issues include an inoperable sprinkler system, inconsistent heating, no hot water, sewage issues and improper roofing, according to the CBJ statement. CBJ is working with The Salvation Army and other social service agencies in case of evacuation, looking to find places for displaced individuals to go.

Owner James Barrett said the time he and manager Charles Cotten have spent “messaging with inspections” has kept them from actually fixing the problems. This has all culminated, he said, in a “show of force” by the city.

"I assure you we've been at this for a long time, trying to get things done," Barrett said. "It's time-consuming. Every other day, these guys are showing up."

Barrett said he believes the city is targeting the Bergmann because of its ongoing **litigation** (<http://juneauempire.com/local/2016-06-02/city-taking-gastineau-aps-owners-trial-recoup-demolition-costs>)with the Barretts over the Gastineau Apartments, which were demolished after two fires.

"Every time something happens in the court case with the Gastineau, the fire department is breathing down our necks," he said, "It's a little uncanny."

Barrett said he feels that his goals and the goals of the city should be the same — a "safe, quiet, tidy hotel."

He doesn't want his vulnerable tenants displaced, adding, "They're arguing about nonsense, really."

Cotten concurs, saying that the problems are being caused by disgruntled former tenants he evicted due to drugs, alcohol or violence.

"It's nothing to do with the Bergmann," Barrett said. "It's unfortunate. ... These people need a place to live and I'm intent on providing that."

After receiving the eight-page notice that the building had been posted as unsafe for human occupancy late Thursday afternoon, Barrett vowed to fight the proposed evictions.

"I've had people working 18 hours a day," he said. "I'm going to keep pushing and getting things done as much as is humanly possible (before the deadline)."



Write a comment

2 Comments

Subscribe **RSS** (<http://comments.us1.gigya.com/comments/rss/7277421/JuneauComments/61766>)



ken dunker

9 hours ago *(edited)*

"These people need a place live and I'm intent on providing that."
So...hot water was not needed to fill the bill?
That is an encampment.

Reply Share

0



Michael Haase

7 hours ago



Barrett is a slumlord. Charging \$600+ a month for a VERY basic room with roaches and bedbugs, intermittent utilities, noisy tenants, the list goes on. I lived there years ago, and it seems like the situation has only gotten worse. Why this guy hasn't been chased out of Juneau with torches and pitch forks is beyond me!

Reply Share

0

Advertisement

Most Popular

NEWS (/NEWS) 4 days ago



Toxic water leaches into prime Alaska, Canada salmon habitat (/news/2017-03-05/toxic-water-leaches-prime-alaska-canada-salmon-habitat)

(/news/2017-03-05/toxic-water-leaches-prime-alaska-canada-salmon-habitat)

NEWS (/NEWS) 13 hours ago



24-hour eviction notice posted at Bergmann Hotel (/news/2017-03-09/24-hour-eviction-notice-posted-bergmann-hotel)