



Thursday, July 16, 2009

MEMORANDUM

To: Sawmill Cove Board of Directors
From: Garry White, Director
Subject: Eagle Crest Ministries – formerly Lighthouse Fellowship

Background

In 2008, Lighthouse Fellowship was awarded the Fourth of July booths from the Sitka Chamber of Commerce. Upon award of the booths, Lighthouse Fellowship took over control and is now owners of the equipment and booths. Lighthouse Fellowship will be operating the booths going forward.

In the summer of 2008, Lighthouse Fellowship approached the SCIP Board requesting a \$0 dollar lease to store the booths.

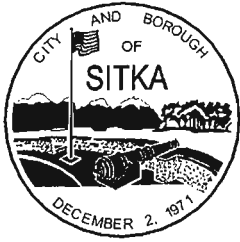
From 09/25/08 SCIP Board minutes: “Discussion brought consensus to direct Mr. White to extend a lease to the Lighthouse Fellowship for storage space at a \$0.00 rate on a month-to-month basis until the July 1st, 2009. This allows Lighthouse Fellowship to find another location for storage or thereafter begin paying rent at a rate to be determined by the SCIP Board. There shall be a formal, signed agreement acknowledging that this is a month-to-month, short term lease, defining the minimum amount of space needed and making it clear that the City is not liable for any damage or loss of property being stored.”

The lease was terminated 03/01/09 due the Stores Building being shut down by the Building Official. The Building Official made arrangements with the group to store their materials on the loading dock until 07/04/09.

Eagle Crest removed the items for the 2009 Fourth of July celebration, but returned the items to the loading dock of the Stores Building after the festivities had ended.

Action

Eagle Crest states they have not found another location to store the booths and are looking for space at the SCIP. They have requested a \$0 lease.



City and Borough of Sitka

PUBLIC WORKS

100 LINCOLN STREET • SITKA, ALASKA 99835
PHONE (907) 747-1804 • FAX (907) 747-3158

Eagle Crest Ministries - formerly Lighthouse Fellowship
601 Alice Loop Road
Sitka, Alaska 99835

July 8, 2009

RE: Cleanup of formerly leased area in Sawmill Cove Industrial Park (SCIP)

Dear Pastor Ginn:

This letter is to address the cleanup of the space you rented within the SCIP area, specifically the use of the back dock of the Stores Building for storage of the Fourth of July Booths. It has come to my attention that your lease has expired/terminated and I write this letter to you to address the items that have been left behind. It is my hope that you can clean these items off the property as soon as possible. Remedies/obligations are set out in the lease and Sitka General Code. The following covers the responsibilities and remedies for both parties if the cleanup does not occur.

Under the provisions of the lease you had with SCIP, the following cover the cleanup of the site:

- Section 5 Lessee agrees to clean up the area to the condition it was in prior to this agreement.
- Section 9 Upon termination of the lease, Lessee shall remove all materials, equipment and other personal property from the leased area and return the area to a satisfactory condition.

Under Sitka General Code, Chapter 9.12:

9.12.020 Notice to abate—Removal by municipality.

A. Notice.

1. The planning director, or other agent assigned by the municipality, is authorized to require the owner or occupier of any property and the last registered owner of any abandoned or junked vehicle to properly dispose of such vehicle located on the private or public property.
2. Notice of such requirement shall be by certified mail, postage prepaid, and addressed to the proper person at the last known address or by personal service of such notice.

B. Enforcement.

1. Upon the failure, neglect or refusal of any person so notified to properly dispose of litter or a junked or abandoned vehicle, or to repair and license it, within twenty days after receipt of the written notice, or within thirty days after the date of the notice in the event the same is returned to the municipality because of inability to make delivery, the planning director or other person designated by the municipality is authorized to arrange for the disposing of such litter or abandoned or junked vehicle. The property owner and, in the case of a vehicle, the registered owner, shall be jointly and severally liable for litter disposal cost with accrued interest at a rate of twelve percent per year.
2. The above notice shall include notice of the right to an administrative hearing before the assembly to contest the determination that the vehicle is litter, abandoned or junked. The hearing must be requested within the twenty-day time frame specified in the notice. The notice shall also state that the property owner and the last registered vehicle owner shall be jointly and severally liable for all disposal costs, with accrued interest at a rate of twelve percent per year.

- C.** The remedy set out in this section is in addition to any criminal charges which may be brought against the person allowing litter, or junked or abandoned vehicles, to be in an unlawful place, and this

section does not, in any way, restrict a court of proper jurisdiction from imposing further penalties and remedies it deems to be proper, up to the maximum set out in the penalty provisions of this code.

9.12.030 Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations should have the meaning given in this section:

- A. "Litter" means garbage, refuse and rubbish as defined in this chapter and all waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- B. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- C. "Refuse" means all putrescible and nonputrescible solid wastes (except human body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, solid market and industrial wastes, and used motor oils or fuel.
- D. "Rubbish" means nonputrescible solid wastes consisting of both combustible and incombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin and aluminum cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Under these rules and ordinances we are hereby giving you notice that if you do not take immediate action, we will be in a position to have to require cleanup under the provisions of Sitka General Code section 9.12 including all subsections and definitions.

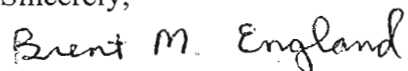
I must reiterate, it is our desire that we not have to go to this means of enforcement. We would ask that you contact us upon receipt of this letter and discuss with us your plans and/or intentions of taking care of these items.

You can contact me Monday through Friday at the Administration Building at SCIP from 8:00 a.m. through 12.00 p.m.. During the same hours I can be called at 747-3762. If I am out of the office feel free to leave a message and I'll get back to you as soon as possible.

You may contact my supervisor as well, Monday through Friday 8:00 a.m. through 4:30 p.m.. His name is Scott Brylinsky, Operations Chief, Department of Public Works, City and Borough of Sitka, at 747-4040.

I thank you for your time and attention in this matter.

Sincerely,



Brent M. England
SCIP Watchman/Maintenance Person

Attachments: Notice of lease cancellation effective 3-1-09, from Garry White (dated 2-5-09)

CC: Scott Brylinsky, Operations Chief, Department of Public Works, City and
Borough of Sitka
Theresa Hillhouse, City Attorney, City and Borough of Sitka
Garry White, SEDA Director

Sawmill Cove

INDUSTRIAL PARK
329 Harbor Dr. Suite 212, Sitka, AK 99835

907-747-2660

Thursday, February 05, 2009

Lighthouse Fellowship
601 Alice Loop Rd
Sitka, AK 99835

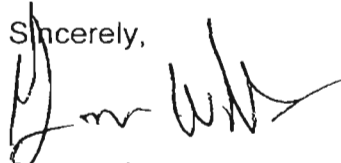
Dear Pastor Ginn,

This letter is to inform you that the City and Borough of Sitka will be terminating your lease of storage space in the Stores and Maintenance Building located at the Sawmill Cove Industrial Park effective 03/01/09. Please see attached letter dated 01/23/09 from the City and Borough Building Inspector, which states the usage of the building is in violation of State law in regards to Fire Code.

You will need to vacate the premise of all 4th of July booth equipment by 03/01/09. You can reach Brent England, Sawmill Cove Site Manager at 747-3767 to schedule a time to access the building.

Please feel free to call myself with any questions you might have.

Sincerely,



Garry White
Sawmill Cove Industrial Park Director