

**MINUTES**  
FOR THE REGULAR MEETING  
OF THE CITY COUNCIL FOR THE  
CITY OF THORNE BAY, ALASKA  
TUESDAY, May 2, 2023  
TIME: 6:30 p.m.

---

**THERE WAS A WORKSHOP BEGINNING AT 6:00PM**

1) CALL TO ORDER:

Mayor Burger called the meeting to order at 6:30 pm

2) PLEDGE TO FLAG:

The Council and Audience stood for the pledge to the flag.

3) ROLL CALL:

Those Present were: Hartwell, Oatman, Stram, Jennings, LaVoie, Burger, & Nyquest

4) APPROVAL OF AGENDA:

Hartwell moved to approve the agenda.

Nyquest seconded, no further discussion.

MOTION: Move to approve the agenda

F/S: Hartwell/Nyquest

YEAS: Hartwell, Stram, Oatman, Jennings, LaVoie, Burger & Nyquest

NAYS: None

STATUS: Motion Passed

5) MAYOR'S REPORT:

a) Vice Mayor Hartwell commented that the Mayor will return Thursday

6) ADMINISTRATOR REPORT:

a) Huestis:

i. Started on intersection on Kasaan Road again.

ii. Finalizing grant for wastewater upgrades, to be finished and submitted by the 4<sup>th</sup>.

iii. Meeting here for POW sawmill operators to look for opportunities for young growth industry. Many small operators attended.

iv. Pearl Nelson Park – planning to start work on the project early July.

7) PUBLIC COMMENTS:

a) Sam Sawyer Commented:

i. High Schoolers did a great job at the baseball field.

8) COUNCIL COMMENTS:

No council comments

9) PUBLIC HEARING – CONDITIONAL USE PERMIT:

1. Resolution 23-05-02-01-PZ: Public Hearing on Fletcher Conditional Use Permit Application for keeping of roosters:

2. Public Hearing:

a. **Mick Fletcher:** Roosters are in SE corner, Complainant is across forested area. Roosters are in a pen with netting. Would like to be able to keep roosters for chickens and future raising. Can't rely on mail ordering chicks.

- b. **Doug Black:** Reads from letter; (see attachment 1) Lot 6 Choker Setter Circle; South Thorne Bay was second class city when the town was founded, he was on the Harbor committee. Laws and structure were adopted by other cities with the intention to update as needed, now it is needed. Thorne Bay is defined as rural, many people have subsistence permits for salmon and halibut. All rural areas familiar with has agriculture, farm animals, gardens, crops. People here should be encouraged to be as self-providing as possible. Will you tell people no for other livestock and foods? How about a 4h program in schools?
- c. **Phillip Winrod:** Early 20s when moved to Thorne Bay, wanted to be self-sufficient and live off the land. I don't think there should be any ordinance on livestock, especially on South Side.
- d. **Sam Sawyer:** comments the following: Agree that Thorne Bay is not a big city, not even Craig. If a guy wants roosters, he should be able to, especially on South Side. I don't know if the rules are the same for the southside as town side, but they shouldn't be, seems more personal than anything. It's taking up time that should be used for more important things. People live here to live off the land and raise animals.
- e. **Tara Blair:** Support to the community, raised chickens for about 25 years for self-sufficiency, had to ask for fertile eggs to reproduce chickens. Helps to teach grandkids also about life cycles and science things. Livestock and roosters should be here.
- f. **Linda Shilts:** Block 14 Lot 4 Steep Rd, Agrees with Sam, reminds us that the time spent here to discuss having a rooster. There are many who will have to come and have a public hearing to get permission because we have roosters. On 6 acres, no neighbors. The people who live nearby also have roosters. This seems to be a real waste of time. Request the council revisit and encourage an ordinance that allows us to keep roosters. When you had a problem, you went to the neighbor not to the cops. Would like to continue to be able to give back to the community by giving away eggs and keep a sustainable flock. I would like to appeal to the council to revisit the zoning, especially for Southside and maybe in town, I don't know. We're very distant, no near neighbors.
- g. **David Shilts:** Supports giving permission to keep roosters in reference to Conditional Use Permit. Unfortunately Gov't is used to regulate things that are meant to be regulated. Review ordinances that reflect this. Rooster ordinance shouldn't be there. If you have an issue, like the roosters, you should talk with your neighbor when you have a problem, not go to the council for an ordinance. People have had chickens and roosters for years. In Wrangell, we were in a tight area and we had a rooster, got rid of it right away. Neighbors got mad when they got rid of it because they enjoyed the noise of a rooster. The point is, not everyone hates the noise of a rooster. We need to revisit the ordinances for particularly Southside but also maybe for in town also and ask for the community's input. There are times when barges don't show up and it's important to have areas where we have sustainable resources.
- h. **Linda Clark:** First year I had a rooster I went to the neighbors and asked if they minded if I had a rooster, all agreed and enjoyed. (See attachment 2). Never heard a complaint about her roosters in the years, sometimes I crow at my chickens to straighten them out.
- i. **Vice Mayor Hartwell** read the Objection letter submitted by Jeff Barber: (See attachment 3).
- j. **David Shilts:** Sound travels different in different areas. Our chicken house is 60 ft from our bedroom, and we don't hear them.
- k. **Roberta Starkey:** Choker Setter road reading for Lavinia & Dennis (see attachment 4)
  - i. We support roosters on SS during this hard economic times. Chickens provide eggs, Roosters provide meat. Roosters are protectors of the flocks. May take more than 1 rooster to protect lot. Identify food sources for chickens and keep peace in the flock

which results in an orderly and calm flock. Required to perpetuate the flock. Raising food sources is important for families and roosters are important. People can have sawmills, junk yards, log trucks, heavy equipment, and other intrusive sounds yet people are complaining about roosters. They should be legal in C/R III zone.

- l. **Linda Clark:** I have lost about 100 chicks that were acquired from other places, roosters are necessary for repopulation. No complaints for the last year in the 25 years she's kept roosters. How many hear the Barge workers all night, Log trucks, dogs barking? Is anyone filing complaints about those? It's the way of life out here, complaining would be self-serving.
- m. **Mick Fletcher:** son lives in Soldotna with roosters and chickens that crow all night. No complaints. Chickens go into their house at night until 8AM. What he says is untrue. Jeff said he lived on the property behind lot 16 and it is a long way away. Jon hears them but they are quiet, not disruptive. Would appreciate keeping roosters to keep flock.

**3. Council Comments:**

- a. **Oatman** agrees with all public comments. We should look into a public hearing for town side roosters. Wouldn't mind having them around. Times are hard and fresh eggs good.
- b. **Stam** commented that he lives next to Mick, says he can barely hear the roosters, and believes that he is closer and more open areas to the rooster. Doesn't hear them at all when he's inside the house. Dogs bark is louder than any rooster alive, I agree we should have chickens and roosters in C/RIII. Many people have roosters and chickens, and I don't think anyone out there is aware that there is a CUP necessary. Would like to strike and remove that line from the ordinance.
- c. **Nyquest** commented that no matter what choice we make, there will be people who disagree for whatever reason. We need to draw a line; we know that log trucks and float planes are heard but we deal with it because it's part of our lifestyle. This is more of a noise ordinance, not about farm animals. I agree, and I am willing to have a conversation with that person personally. Economic times and such, we should be allowed to have farm animals. Cap the number of roosters maybe not have 15.
- d. **Jennings** commented that he was upset with a neighbor for killing their rooster because he enjoyed the sound. Main complaint is, SS people chose to live over there for more land and more things to do. Need to take into consideration where they (Residential/Commercial III) live and such before they (ordinances) get passed.
- e. **Hartwell** commented: problem is, we don't get the information out to everyone for some reason. We sit and meet and maybe the public will have an opinion later. We need a better system for ordinances. Vote on CUP and put in to change this ordinance and possible

MOTION: Move to approve the Resolution  
F/S: Hartwell/Nyquest  
YEAS: Hartwell, Stram, Oatman, Jennings, LaVoie, Burger & Nyquest  
NAYS: None  
STATUS: Motion Passed

**10) CONSENT AGENDA:**

a) MINUTES

[Minutes of the April 18, 2023, Regular City Council Meeting, discussion and action item:](#)

MOTION: Move to approve the consent agenda  
F/S: Hartwell/Oatman

YEAS: Hartwell, Stram, Oatman, Jennings, LaVoie, Burger & Nyquest  
NAYS: None  
STATUS: Motion Passed

11) NEW BUSINESS:

12) ORDINANCES FOR PUBLIC HEARING:

13) ORDINANCES FOR INTRODUCTION:

14) CONTINUATION OF PUBLIC COMMENT:

a) **EMS REPORT: VICTORIA REPORTS**

- i. 9 ems calls ytd quickest time 3min, 10 on scene.
  - ii. Mendonsa in emt class
  - iii. Thank you for receipts at the store
  - iv. Tbay day picnic dinner again, 11 member board will hopefully be tasked, anyone else interested in helping, let me know.
  - v. Even though we have the most certified dispatch, etc, we need more volunteers and will be doing
  - vi. Grant in progress to help with supplies, submitting one in august for new ambulance. Red ambulance is in process of getting restored and will be housed on ss for those residents.
  - vii. Islandwide coalition is sponsoring a symposium and we will be sending our members to be trained. Sisd, vpso, troopers, and out ems will be doing training for active shooters, etc. Working on pulling in fema for that as well.
  - viii. Easter was a huge success
  - ix. Ems facebook page, please follow and look for fundraisers.
  - x. Qr code at the port for fire, ems, and vpso that will give you automatic access to dispatch system.
  - xi. We can reorder magnets if needed.
- b) **Phillip Winrod** : thank you for rolling the road after grading.
- c) **David Shilts**: used to get notices emailed and so he doesn't know about them anymore.

15) CONTINUATION OF COUNCIL COMMENT:

- a) **Nyquest** commented: Wife was principal at the school and when people would complain saying they didn't know even though it was posted in public places. There is public responsibility.
- b) **Oatman** commented: social media is used a lot now too.
- c) **Stram**: Is it on city website?
  - i. On conditional use permits, has anyone else done a CUP for roosters?
    - **Teri** commented, only the fletcher.
  - ii. We should refund their money for this application since this has brought out the issues with this ordinance.

16) ADJOURNMENT:

Vice Mayor Hartwell adjourned at 7:33

## The Conception of Thorne Bay

It's a pretty good guess that a committee was formed to have Thorne Bay designated as a 2<sup>nd</sup> class city, set up that way by the KPC Logging and the Forest Service.

I was on the Thorne Bay Harbor Commission for 3 years, and 10 years on the East Prince of Wales Island Advisory Committee for Fish and Game. I know a little about how hard it is to set up and establish the foundation of a legal structure - the hoops to jump through in order to satisfy necessary permits in order to comply with powers that be. Do you really think that that committee sat down and argued every rule and regulation of the city at that time??? NO. They adopted an entire format from another city thinking we can come back and review anything which would be needed later.

Well, now is that later.

Thorne Bay by Federal and State guidelines is defined as RURAL. Many of us have subsistence permits for salmon and halibut, - so we know this to be true: we are rural. All rural areas I'm familiar with have agriculture priority.

What is agriculture? The cultivation of the ground to raise food; husbandry; farming.

The people here should be encouraged to be as self-providing as possible – we should all be raising vegetable gardens, berry crops, orchards, and raising farm animals and yes, CHICKENS. In order to maintain flocks, there must be roosters.

What if someone is interested in raising pigs? Are you going to tell them, NO? How about goats? No. Apples, plums, pears, nut trees...., NO.

YOU MUST BY YOUR FOOD FROM THE STORE! REALLY?

The barge will not be running for the next 3 months – Seattle in chaos, what then? Why should we be held hostage by Seattle?

How about a 4H Program in our Schools?

H.D. Black, Lot 6 Choker Setter Subdivision

 5/2/23

Store-bought verses fresh:

Commercial Chickens, layers or otherwise, really are not healthy birds in that they are not in the open fresh-air enough (if ever) and they are extremely over-crowded for the space allowed them. They are mostly fed genetically modified grains that are exposed to pesticides as well. They are hardly ever (if ever) allowed to forage and scratch for bugs and worms. These are things chickens need in order to be healthy. Without them, they are not quality, healthy birds.

There are two things we could do to work-together to make this a better situation for everyone concerned.

1<sup>st</sup> Chicken owners could close the chicken house doors at night to help muffle the really early (summer mornings) crows, and re-open the doors in the morning.

There really shouldn't be a "set-time" because some people would have to open up the hen house doors before heading off (who knows what time) to work in the mornings.

2<sup>nd</sup> If a rooster crowing wakes a person up too early in the morning, ear-plugs could be a quick and easy solution rather than taking away a person's desire and right to provide for his family using mean that have been used in this country for many generation.

COMMENTS TO RAZ OCT 2020 —

In the summer of 2004 I purchased my property on the South Side, and for the past 16 years I have lived there in a relatively peaceful and quiet setting. There has been the occasional sound of neighbors and myself running power tools or chainsaws for building projects or cutting firewood, but nothing that went on day after day without end, and nothing that most of us would consider unusual or offensive. That all changed this past summer when I heard roosters crowing next door at Mick and Carol Fletcher's place. The noise is so loud that I can hear it above the sound of the radio when I'm inside my place, and it's much more annoying when I'm sitting outside on the porch.

At first I thought maybe it was only temporary and they'd get tired of the noise and put an end to it, but that didn't happen, so after a couple months of this I decided to file a complaint. I think most of us hope common sense will prevail eventually, but unfortunately common sense isn't always so common... Whenever I have to do something that causes noise, I try to limit it to the hours between 9:00AM, and 5:00PM to try to be considerate of others, and it doesn't go on day after day.

When Fletcher's purchased their property they did not buy the right to disturb the peace at my place and others. Just as it's considered trespassing for someone to come on to your property without authorization, I consider the daily noise of their rooster to be a type of trespassing. It is unacceptable.

On Fletcher's CUP Application, question number 10 asks, "Will the proposed conditional use be compatible with the neighborhood in general? Why?" They answered, "Yes. Very rural neighborhood." This is not correct, and nothing more than wishful thinking on their part; The answer should be, "No. Very residential neighborhood."

In the Thorne Bay Municipal Code Section 17. 04.043-Conditional Use Permits, Section B-Criteria for Consideration in Establishing Approval or Denial, it states:

- 5. The proposed use would not have an unfavorable or detrimental effect on property or property values in the area
- 10. The proposed use would not degrade land, water, air or habitat quality

I am quite sure that if I was trying to sell my property, and someone looking at it heard a rooster crowing next door, most people would loose interest in it... So yes, there would be a "detrimental effect on property values" And that noisy obnoxious bird definitely degrades my "Habitat Quality".

Within a few years after I moved here in '04, shooting guns on your property on the South Side was banned; part of the reason was noise. Even though I'm a gun owner and like to target practice, I agree with that ban. A residential neighborhood is no place for annoying noise.

Beyond the question of this CUP Application, I think it is time for zoning to be changed and this q oosters to go the way of the shooting ranges.

J ber



To the Mayor and City Council of Thome Bay-

4-25-23

In the fall of 2020 the Planning and Zoning Board denied Mick and Carol Fletcher's application to have roosters on their property.

I've been given two different explanations as to why we're going through this all again three years on.

I've included my comments to Planning and Zoning in October 2020 because they're still relevant; my reasons for objecting are the same.

In response to Fletcher's recent application, all I can say is that their measurements and claims are pure fiction; completely wrong!

My place is not in the northwest corner of my property as they claim. Using the website [gpsvisualizer.com](http://gpsvisualizer.com) you can measure distances on the earth very accurately. I've included a photo of the measurement from Fletcher's place to mine and as you can see it's 516 feet.

The wooded section only covers about half of that distance, with an approximate 75 foot wide cut in it for the top of my driveway and the rest is a grass covered muskeg. I can hear the roosters crowing loud and clear... During the summer I can hear Mick when he's outside talking on his phone... and understand a good bit of what he says. There is no "1000 feet of heavily forested land" between us as Fletcher's claim. It's very easy to verify what I'm saying at [gpsvisualizer.com](http://gpsvisualizer.com), or any other quality global mapping/measuring website or application.

*A*  
J ber

Mayor, Council members, Good morning,

In the Southside Roosters vs Karens war, Dennis and I support the roosters. In the spirit of a disclaimer, Dennis and I have had a little flock of hens and roosters of which we have left one 12 year old hen, Petunia Clark, who gets wistful and lays a soft egg every springtime since she was nine years old).

The primary reason we support roosters in Southside is economic - in these worsening economic times, families are more dependent on homegrown or raised vegetables, meats, and dairy products. Chickens provide fresh eggs and meat for family dinner tables. Roosters are meat, meat, meat.

Roosters are an integral part of the chicken flock. Roosters are the primary line of defense for the flock. They are nature's alarm system and protector of the feathered flock, much like sheep dogs are with their wooly flocks. And depending on the size of the flock it may take more than one rooster to effectively protect the flock. They also function as nighttime alarm systems for the coop and the lot owner. A safe hen is a productive hen.

Roosters also function to identify and locate good food sources or areas for their hens. Hens do not live on processed chicken feed alone. They enjoy scratching for delightful treats like plump roly-polies and elusive worms, nipping fresh greens-on-the root, etc. A plump hen is a productive hen.

Roosters also keeps peace in the flock. They keep the flock members orderly, smooth down any disruptions or disagreements resulting in a more equitable sharing of food. Their presence is important in maintaining an orderly and calm flock. An unstressed hen is a productive hen.

Roosters are also required to perpetuate the flock. An infertile egg does not perpetuate the next generation of egg-layers. Hens like having roosters around as they provide an extra zest for life. When you are doomed for the stew pot when your egg-laying days are over...well every creature needs something more in life. A satisfied hen is a productive hen.

We are looking at worsening economic times. Being able to be raise food sources is important for each family. Chickens are an important source for eggs and meat. Roosters are an important aspect of the flock and the food cycle. In tight times, one does not want to sacrifice an egg-layer for the stew pot at the end of the month.

We hear roosters crowing. We do not find the sound bothersome. Nor should it be surprising for anyone who lives in an commercial/residential III zone that families would keep a flock of chickens including roosters, or cows and goats for meat or milk, etc.

What is surprising is that we live in an area where people can have sawmills, unofficial dumps/junkyards, rock pits, loud planes taking off and landing, gravel and logging trucks lumbering up and down subdivision roads, heavy equipment rumbling about, and other more intrusive and human sources of sound pollution yet curiously find crowing obnoxious, and demand banishing of one of nature's most productive creations, the rooster.

one person - complaints  
of all people must comply

Please do not banish the important roosters, they should be legal in the commercial/residential III zone. They are an integral part of the food cycle for families, especially in tough economic times. And one of the beauties of remote or rural Alaska is to live lives and raise families as self-sufficient as one can.

Regards,  
Lavenia and Dennis Sylvia

