

OFFICIAL PROCEEDINGS
KEWEENAW COUNTY COMMISSIONERS
PUBLIC HEARING
APRIL 1, 2025

A public hearing of the Keweenaw County Board of Commissioners held on April 1, 2025, at 6:30 p.m. at the Courthouse, Eagle River, MI, opened with the pledge of allegiance.

Commissioners present: Randy Eckloff, Bob DeMarois, Del Rajala and Don Piche. Absent: Mike LaMotte

The public hearing was posted on the door of the Courthouse, on the website and it was also in the Daily Mining Gazette. The public hearing is being held to consider charges filed by John Parsons, Chairman of the Keweenaw County Planning Commission against AJ Kern seeking her removal from the Planning Commission.

Motion by Rajala supported by Eckloff and unanimously carried to approve the agenda as submitted.

Time was allowed for public comment. There was none.

Procedural rules were read by the Chairman.

- a. Hearing is to be limited to charges filed by Parsons on 2/25/25. No new, amended, or additional allegations to be considered.
- b. Before hearing statements of parties and witnesses, both sides to be advised to speak only from personal knowledge and avoid repeating hearsay.
- c. Parsons may speak for 10 minutes. After that, no more than 3 witnesses may speak in support of Parsons' charges for no more than 5 minutes each.
- d. Kern or her attorney may speak for a total of 10 minutes. After that, no more than 3 witnesses may speak in support of Kerns' position for no more than 5 minutes each.

John Parsons, Chairman of the Keweenaw County Planning Commission began. Parsons stated that he wanted everyone to know that these weren't his charges against AJ Kern, but charges of the Planning Commission (PC). Parsons said that things were functioning but once the Black Bear rezoning issue came up, things went to a new level. AJ Kern insisted that it should be conditional rezoning, not simple rezoning. AJ Kern missed two meetings on January 14, 2025. A special meeting was set at 3:15 pm and a public hearing was set for Black Bear at 4:00 pm. Parsons was going to go through applications for new PC members at the 3:15 pm meeting but there wasn't a quorum. The public hearing that was set for 4:00 pm also did not have a quorum. People did speak but no action could be taken. In the Keweenaw County Zoning Ordinance under Section 18.4 DUTIES OF PLANNING COMMISSION, 18.4.1 Members B. 1. Member(s) shall be expected to notify the chairperson or his/her designee of his/her expected absence prior to a meeting. Parsons said that there was no notification. Parsons spoke to John Kern after the first meeting and was told that she had pneumonia and wouldn't be present. In the February PC meeting, the PC voted to recommend to the Board of Commissioners that AJ Kern be dismissed and there were no dissenting votes.

Witness #1-Bob Pokorski-Grant Township-PC Member-Pokorski spoke to example #3 in the charges against AJ. He stated that AJ has been unhelpful and disruptive and will go to any length to get what she wants. AJ was not happy with the amendments to the zoning ordinance even though it was voted 6 to 1 to pass them. AJ Kern went to the Grant Township Board meeting and campaigned against the amendments by handing out an orange flyer that was a part of the written evidence for this hearing. Only after AJ Kern did not get her way regarding the rezoning did she bring up procedural problems with the meetings.

Witness #2-Harvey Desnick-Grant Township-PC Member-Desnick spoke regarding AJ Kern's behavior at a meeting that was held in Lac La Belle on 10/21/24 by the Nature Conservancy regarding the rezoning request by Black Bear. The meeting was supposed to be informational only. Desnick stated that Kern was combative, waving papers around, talking over people, that she had spread false information and that she stated that she was on the PC. She insisted that they needed conditional rezoning.

Witness #3-Susan Hockings-Keweenaw County Zoning Administrator (ZA)-Hockings stated that AJ Kern's conduct is diminishing the effectiveness of the PC. Kern missed the meetings that Parsons spoke of even though she had confirmed that she would be present and had sent an email to ZA Hockings just an hour prior to the meetings but didn't state that she would not be present. Kern speaks over others, rehashes settled matters and prolongs discussions unnecessarily. Instead of working in collaboration with others, Kern's behavior has led to confusion, inefficiency and unnecessary delays.

Brace Kern, attorney for AJ Kern began. Atty Kern said that there is no jurisdiction to remove AJ today. The PC did not see the letter with the charges by Parsons and therefore couldn't have voted on it. Atty Kern stated that the charges are from Parsons, not the PC and that Parsons was incompetent. Atty Kern said that there weren't 15 days' notice of meetings in the paper as required by the Michigan Zoning Enabling Act and to add or remove members, it is required. Atty Kern said nothing about the January 14, 2025 meetings of the PC were legal. Desnick is not seated on the PC correctly and Parsons should know, it's his fault. As for a committee being created to interview new PC members, the committee of Parsons, Board Chairman Piche and ZA Hockings, violated the Open Meetings Act (OMA) by making decisions outside of an open meeting. Atty Kern stated that they just wanted who they wanted. Simila has never been appointed. Atty Kern said that no one here is used to dealing with a such a strong woman like AJ.

Witness #1-AJ Kern-This hearing is about due process, for AJ and everyone. In January, Piche, Parsons and Hockings violated the OMA by recommending that the Board appoint Don Simila to the PC. The zoning amendments from 2024 were passed without proper procedures. Yoder and Koljonen were still members of the PC even after terms expired or due to resignation and they should have been at the January PC meeting to make a quorum. As for Black Bear and rezoning, Yoder stated that more information was needed, and Parsons was to contact for more information. Soon after, the application was all set without further information even though it was requested.

Witness #2-John Kern-Grant Township-AJ was elected as secretary of the PC in December so if everyone had so many problems with her, why would she be elected for this position? For the January 14th meeting, AJ had been on antibiotics for two weeks but that day, she was getting worse and a decision was made to stay home. John Kern informed Parsons that AJ would not be there due to illness. The Black Bear rezoning isn't on a timeline so why was there a rush to decide when most property owners aren't around? John Kern filed a petition with the ZBA regarding Black Bear rezoning and ZA Hockings cancelled it instead of passing it on to the ZBA.

Witness #3-Michael Erickson-Calumet-Erickson stated that there has been a pattern by the PC of not following proper procedures. AJ is a new voice and should be listened to. The comments she has made, Erickson has made too. No member of the PC should be censured. The PC should encourage, debate, be transparent and impartial. There are anonymous donors funding the Master Plan, what is next?

Motion by Rajala supported by Eckloff to dismiss AJ Kern because of violation of the Keweenaw County Zoning Ordinance under Section 18.4 DUTIES OF PLANNING COMMISSION, 18.4.1 Members B. 1. Member(s) shall be expected to notify the chairperson or his/her designee of his/her expected absence prior to a meeting. Board polled: Eckloff-No, Piche-Yes, Rajala-Yes, DeMarois-Abstain-Could not vote as he voted at the Planning Commission level.

Time was allowed for public comment. The following people spoke: Brace Kern, AJ Kern, Cindy Kyllonen, Betsy McColl, James Kyllonen, Dan Steck, Theresa Kariniemi, John Kern and Mike Erickson.

The Board of Commissioners did receive written correspondence that was given to them prior to the meeting from the following: Louise Kitt Smith, Anita and Paul Campbell, Barry K. Koljonen, Doug and Betsy McColl, Steve and Cindy Kyllonen, Debra Sheloznik, and Rebecca Patterson.

There being no further business motion by Rajala to adjourn at 7:53 p.m. Meeting adjourned sine die.

Donald Piche, Chairman

Julie A. Carlson, Clerk