

Manitowoc County Executive Committee  
The Merchants Building, Manitowoc County Expo Grounds  
4921 Expo Dr, Manitowoc, WI 54220  
August 13, 2020

Attendance: Chairperson Brey, Supervisor Behnke, and Supervisor Gerroll.

Others Present: Corporation Counsel Peter Conrad, Supervisor Baumann, Supervisor Dyzak, Supervisor Falkowski, Supervisor Hagen, Supervisor Hansen, Supervisor Martell, Supervisor Muench, Supervisor Neils, Supervisor Sitkiewitz, and Supervisor Zimmer.

Call to Order: The meeting was called to order by Chairperson Brey at 4:15 p.m.

Approval of the March 5, 2020 committee minutes: Supervisor Behnke moved, seconded by Supervisor Gerroll to approve the minutes of the March 5, 2020 meeting. Upon vote, the motion passed unanimously.

Public Comment: Chairperson Brey declared public comment open at 4:16 p.m.

Courtney Hansen, City of Manitowoc Alderperson District 10, believes Supervisor Zimmer violated the County Ethics Code by presenting inaccurate information, various comments he had made, and his email use. He should be held accountable for his actions.

Shae Sortwell, Representative to the Assembly District 2, stated that regardless of Supervisor Zimmer's comments, he supports the Constitution and every American's right to the freedom of speech. He supported Zimmer's right of free speech.

Theresa Fessler, City of Manitowoc, lives in County Supervisory District 10 and supported Zimmer's rights of free speech and to challenge his City Alderperson. She questioned Chairperson Brey as to what this meeting was really about.

Gerald Hutchison, City of Manitowoc, lives in County Supervisory District 10 and supported Supervisor Zimmer's right of free speech and does not believe Zimmer violated any code of conduct.

Jim Wester, Town of Manitowoc Rapids, supported Supervisor Zimmer's right of free speech and does not believe Zimmer violated any code of conduct.

Keith Meyer, Town of Kossuth, supported Supervisor Zimmer's right of free speech and does not believe Zimmer violated any code of conduct.

Seth Damm, City of Manitowoc, lives in County Supervisory District 10 and believes all men are created equal like the constitution states, but that is not the current situation. He agrees with peaceful protest and free speech, but disagrees with Supervisor Zimmer's point of view and requests Zimmer's resignation.

Alexis Czerp, Chair of Lakeshore United Visionaries (LUV), introduced LUV and their goal to build unity through the Manitowoc Community through understanding, education, and love. She believes Supervisor Zimmer's comments against LUV and other entities were discriminatory. She believed Zimmer violated the County Ethics Code and should be held accountable for his actions.

Sulynn Moore, City of Manitowoc, lives in County Supervisory District 10 and supported Supervisor Zimmer's right of free speech, his right to challenge his City Alderperson, and should not be censored for his remarks. She does not believe Zimmer violated the County Ethics Code.

Ron Kossik, Crusaders of Justicia, believes Manitowoc is in the spot light because of several recent racial incidents which come at a time when the nation is confronting structural and cultural racism. He stated no one disputes Zimmer's right to his freedom of speech; however, that does not exempt him from being held accountable for his words.

Dave Moore, City of Manitowoc, supported Supervisor Zimmer's right of free speech and does not believe any government body has the right to censor someone's freedom of speech; he does not want to see Manitowoc County sued again.

Don Vogt, City of Manitowoc, explained this meeting was not about an organization or freedom of speech; it was to determine whether or not a supervisor violated a code of conduct when he presented himself as a County Board Supervisor during a public input session.

Olivia LeClair, LUV, explained Supervisor Zimmer violated the County Ethics Code when he introduced himself as a County Board Supervisor during public input at a City Council meeting, along with a violation when using his personal email signed as a public official. She believes Zimmer should be held accountable for his actions.

Roger Vanderlogt, Village of Mishicot, supported Supervisor Zimmer's first amendment rights and stated all lives matter, not just black lives. He questioned why this meeting was called to discuss someone's first amendment rights.

Kim Everett, City of Manitowoc, believes everyone has the right of free speech. However, she did not care for Supervisor Zimmer's negative comments directed at her because she attended multiple LUV events. The LUV organization is not criminal and is offended when people, that have not attended LUV events, call them criminal.

Maura Yost, Town of Centerville, believes Supervisor Zimmer should be held accountable for his actions, negative remarks, and inappropriate use of his office when he presents himself as a County Board Supervisor.

Joanne Mitchell-Fleck, City of Two Rivers, did not want to speak against either side on this issue and does not believe people should judge one another.

Barbara Chapman, City of Manitowoc, lives in County Supervisory District 10 and supported Supervisor Zimmer's right of free speech and believes all lives matter; color should not be an issue. She believes the world is in turmoil and this all needs to end.

Sonia Vasquez, president of LUV, questioned why there was no reference to race or ethnicity, nor any mention of discriminatory remarks within the County Ethics Code. She believes there should be consequences when an elected official uses blanket statements and discriminatory remarks, and Supervisor Zimmer should be held accountable for his actions.

Gene Weyer, Town of Newton, supported Supervisor Zimmer's remarks at the City Council meeting because he had the same concerns after visiting LUV's website. He does not believe anything should be brought against Zimmer from this committee meeting.

Kathy Bernhart, City of Manitowoc, believes Supervisor Zimmer's views towards LUV are skewed and he needs to take another look. She stated even though he is her County Board Supervisor, he does not represent her views and does not want his views represented on the County Board.

Darlene Wellner, Town of Kossuth, had a different philosophy than Supervisor Zimmer. She was impressed by LUV after the events she had attended. She believes we need to be more inclusive and have greater love in our community.

Jennifer Hollahan, City of Manitowoc, would like to see the County Board have a policy on inclusion because she believes it is needed.

Natasha Khan, member of LUV, wanted to call for the resignation of Supervisor Zimmer due to his overall behavior and the statements he has made in an official capacity are against LUV's mission. She would like the code of ethics updated to include provisions against discrimination and hate speech based on race and ethnicity.

LuAnn Ferron, City of Manitowoc, stated this was not about censorship, but about education and understanding. She tried multiple times to educate Supervisor Zimmer about LUV, but received a negative response each time. She believes Zimmer is unfit to represent the people in the community.

Aaron Bailey, City of Manitowoc, would like everyone of all color to treat each other equally and with respect. He stated everyone is currently divided; we need to come together and listen to each other and it is up to each person to decide where to go from here.

Pat Marquardt, City of Manitowoc, stated she has never supported Supervisor Zimmer. She believes no one should make assumptions and everyone has the right of free speech, but not to provide incorrect information.

LaQuan Bailey, City of Manitowoc, believes Supervisor Zimmer's public input from the City Council meeting was distasteful and disrespectful. He would like Zimmer to educate himself on factual things that are happening and stated that Black Lives Matter is peaceful and just wants change; the real movement is equality.

Margaret Pauwles, Town of Franklin, believes that even if someone's comments are discriminatory, wrong, or misinformed, that is still their right since we have freedom of speech. Being an American is about respecting all individuals, even if feelings get hurt. She does not believe Supervisor Zimmer violated the County Ethics Code or that this decision should be up to the Executive Committee; it should be left up to the residents of his district.

Pat Kohlmann, Town of Cato, reminded the committee not to cast judgement or label supervisors, and be careful because they were sued once before for not allowing someone their right to speak during public input.

John Fessler, City of Manitowoc, remarked he has lived here a very long time and has not known Manitowoc to be racist. He stated this is not about racism, BLM, or LUV; this meeting is about politics and trying to shut down someone's free speech.

Dennis Myer, Town of Manitowoc Rapids, defended both individuals right to free speech and stated racism comes in all different colors.

Janise Bailey, City of Manitowoc, wanted everyone to know that black lives do matter and she has experienced first-hand disparity and inequality. She commented that people need to learn the facts and read mission statements, and learn who someone is; know your community because everyone counts.

No one else present wished to speak, therefore public input was closed at 5:45 p.m.

Discussion and possible action regarding the conduct of a County Board Supervisor: Chairperson Brey informed the public that the committee has not formally charged Supervisor Zimmer with anything. The items in question are the speech that was given and the personal email use and how those items relate to the County Board Rules and the Ethics Code.

Chairperson Brey opened discussion to Supervisor Zimmer.

Supervisor Zimmer informed the committee that ten days ago the editor of the Herald Times Reporter called to inform him that there were going to be five bad letters published in the HTR criticizing him. The reporter wanted to give Zimmer the opportunity to respond, which he did. Zimmer stated the senior editor would not run the rebuttal and the HTR only ran the five letters. Zimmer read his rebuttal responding to the writers that falsely labeled him a racist because of the public comments he made at the City Council meeting on July 20. He doubts most of the critics even read his public input comments because their criticism was filled with illogical, unfounded and false accusations. He stated that his comments regarding Black Lives Matter were directed at his City Alderperson because of her apparent fondness and willingness to work with them and other organizations on issues which concern diversity, equality and tolerance. He was outraged that she would support a corrupt, violent group whose interest is to intimidate, threaten and accumulate power. The fact that Alderman Bailey was being sworn in when he provided his public input was unrelated. Zimmer stated he saw a man being sworn into office and the fact that Bailey was black had no relevance to him because he does not look at the world through the prism of race as do his critics. Zimmer does not feel the need to convince anyone that he is free of racial prejudice. He felt his critics, however, must prove they are pure of heart untainted by racial animosity. Zimmer felt that was why they need to act so appalled and automatically assume that any criticism of black organizations, such as BLM, is a sign of hatred of black people in general. He stated that was a logical fallacy; and because his critics can't recognize that fallacy, they are blinded by their inability to reason objectively. Zimmer expressed that they are trying to out-do each other with shrillness and it was heard tonight which makes most of their comments rather silly. Zimmer stated that one person even criticized him for misogyny because his alderperson was a woman, which is completely ridiculous. In the 30 years of his army service, he saw many African Americans promoted and appointed to various positions and responsibilities. Zimmer stated when he was a commissioned officer, he had the responsibility of appointing numerous people, regardless of race; they were human beings who were chosen for a particular position because of their performance, the content of their character, and the skills they exhibited. Zimmer never felt their race relevant.

Zimmer then questioned Chairperson Brey as to what Ethics Code did he violate. He stated that if there was a question Brey should have filed an ethics complaint. Zimmer stated he has filled out an ethics complaint against Brey, which he intended to turn in to the Corporation Counsel.

Brey informed Zimmer that under County Board Rule 11-Electronic Mail (a) each supervisor will be provided with a county email account. While no supervisor is required to conduct county business by email, a supervisor who does so is required to use the county email account for all communications that pertain to county business. Brey stated he received an email from Alderperson Courtney Hansen, which she received from Zimmer, and the email was sent from Zimmer's Gmail account and signed as County Supervisor District 10. Brey pointed out that was a potential violation; using his personal email account for

county business because he signed as a supervisor. Brey then listed the violation under the Ethics Code 30.19 Political Activity. Brey stated that he came into this with an open mind and is not pushing things. Brey stated as County Board Chair, he has responsibility to his constituents and to the county board members that brought their concerns to him; he could have taken this to the ethics committee, but did not feel that it needed to go that far.

Chairperson Brey declared a two minute recess at 6:00 p.m.

Chairperson Brey reconvened the meeting at 6:05 p.m.

Brey informed Zimmer that under the Ethics Code Chapter 30.19 (7) Political Activity, a public official who is seeking elective office may use his or her county title in his or her campaign, and a public official who holds elective office may use his or her county title when endorsing a candidate for another elective office. Any other use by a public official of his or her county title for a political purpose is prohibited. Brey stated when Zimmer announced at the City Council meeting that he was a County Board Supervisor that changed the situation. Brey informed him again that he wanted this to be discussed with the Executive Committee first, and the committee may not take any action.

Brey opened discussion for Zimmer. Zimmer questioned if this meeting was due to him identifying himself as a County Board Supervisor for District 10. Brey responded that yes it was one reason. Zimmer stated, yes, he did present himself as the County Board Supervisor for District 10 because he wanted his constituents to know exactly where he stood and the difference between his opinion and the opinion of City Alderperson from District 10 regarding BLM since they share the same constituents. Zimmer expressed he wanted there to be a clear difference between her opinion versus his opinion on the matter. Zimmer stated he figured that would be a political issue, as well as a first amendment right issue.

Brey opened it up to the committee members, who had no questions.

Brey opened it up to the County Board Supervisor in attendance.

Supervisor Falkowski stated that we understand that people are not perfect. He questioned if the email was the issue. Brey specified that the issue lies with Zimmer using his personal email account and signing it with his County Supervisor title. Brey stated Zimmer should have used his county email account. Falkowski asked what Zimmer's political purpose was under the County Code 30.19(7)? Brey responded that it is the same issue of the use of his title. Falkowski questioned why these two items weren't presented before this meeting and would have liked to know this so he could do his due diligence to make a better determination of the violations. Brey stated he did discuss how to word the topic on the agenda with Corporation Counsel and because there are not formal charges this allows for a discussion.

Supervisor Baumann was concerned about two things regarding this situation. The first was Zimmer singled out Alderperson Hansen and not the other two alderpersons or the mayor at that meeting. The second is that he spoke as a County Board member. Baumann pointed out that Zimmer does not represent him because most of the time they are on opposite ends of a discussion. Baumann felt Zimmer should only speak as a citizen when attending other meetings, not a County Board Supervisor.

Supervisor Dyzak stated this whole situation had him confused. He felt that what Zimmer said at the City Council meeting really upset people. Dyzak questioned why this discussion had got to this point? He wanted to know what the plan was if there are no charges. He felt it was unfair that Zimmer had to sit and listen to all the comments and make him go through this if there is no plan.

Supervisor Hagan questioned Zimmer if the Alderperson he directed his comments to is representing his district. Zimmer responded yes, she was. Hagen then asked if Zimmer he was running for that seat. Zimmer responded no. Hagen stated that he did not see a political task. He knows the purpose of this meeting was to discuss comments made at the July City Council meeting and how it relates to the Manitowoc County Code. He thinks it is far more likely this meeting is being conducted for pandering purposes and contributes to the intimidation of public input. He does not see any ethics codes violations regarding the email because he did not use it for political reasons. He stated in County Code 30.19 (9) it read, a public official may not retaliate against any person in any manner because of that person's lawful personal political activity. Hagen did not think Zimmer violated this, but suggests someone else may have. He stated instead of this discussion, they should be discussing how to help business grow in the county.

Supervisor Martell stated he has been friends, colleagues with Zimmer for several years, but did question his comments at the City Council meeting. He knows Zimmer is outspoken and it may be hard for some people to hear the way in which he expresses himself. Martell felt this meeting was a fishing expedition to see if there is popular sentiment among the county board to bring it to the full county board, rather than stating what Zimmer did. He stated this was the first time he heard the issues were because Zimmer used his County Board title and his personal email. He believes the supervisors should be kept in the loop. Martell felt younger people have a different perspective on things going on in the community. He believes black lives do matter and when someone feels under attack, we need to listen to them and respect that they are experiencing something different than the rest of us. He felt Zimmer's freedom of speech as an American matters because it is under attack. He questioned why there were not censors for other public officials? Martell believes as public officials we need to be held to a higher standard.

Brey responded again that there have been no discussions against censoring Zimmer. He respects all comments and wants to remind people that he wanted a discussion before something more formal happens. He did not want to start with formal charges; he thought it be best to have a discussion before anyone went that route.

Supervisor Hansen requested a clarification from the City Council meeting - did Zimmer know that the meeting the mayor and other alderpersons were attending was a LUV meeting or assume it was a BLM meeting? Zimmer responded that he wrote Alderperson Hansen an email that he did not like the fact that she was going to a BLM meeting, which Zimmer was incorrect because she was attending a LUV meeting. She posted that she was attending a meeting with a picture of people wearing BLM t-shirts and their fists in the air. Zimmer assumed that she was going to a BLM meeting. He does not believe that was an unreasonable assumption, but it was a mistake. Zimmer stated the alderperson did respond by email and that she was happy to be working with the group that wanted to support diversity, education, and tolerance. Zimmer stated that he was angry because of what he thinks of BLM and what has been demonstrated all over the country and did go to the City Council meeting to criticize her. Supervisor Hansen provided full disclosure that City Alderperson Hansen is his niece-in-law. Hansen stated Zimmer has every right to freedom of speech, and also stated there was a lawsuit Manitowoc County lost due to denying someone their freedom of speech during public input. He listened to the situation tonight, and the only thing he disagrees with is when Zimmer made a judgment and tied someone to a falsehood. Hansen believes the LUV organization is doing a good job in this community and sometimes there needs to be a point made regarding the color of someone's skin to make a difference. He stated this was an unfortunate situation that caused this meeting. Hansen commented that many of us have potentially made the same mistakes when using our personal email for county business; people make mistakes and we learn from them.

No other supervisors wished to speak. Chairperson Brey turned it over to the committee members.

Supervisor Behnke reviewed Zimmer's public input from the City Council meeting and the only thing he noticed was Zimmer provided incorrect information regarding a LUV meeting versus BLM meeting that the alderpersons and mayor attended. Behnke tried to focus on the responsibility as an Executive Committee to evaluate what Zimmer did. He mentioned we had to take BLM, emotion, and everything out of Zimmer's comments, then question did it violate the ethics code. He researched the County Handbook, Robert's Rules of Order and County Code to determine if what Zimmer did violated the ethics policy. Behnke reviewed Zimmer's comments, and hopes Zimmer would acknowledge the incorrect information. He believes the rest was Zimmer's opinion and that is not his focus. He is not sure where the committee will go with this because he does not believe there was an ethics violation here. Behnke's opinion is that we move on.

Supervisor Gerroll mentioned that if he had been asked if this meeting should take place, he would have advised that it was ill advised. He is sorry this happened. He stated that if there was a violation it should have been filed as a complaint with the Corporation Counsel. He said this seemed like a trial without knowing what one is being charged with. He thinks this will open a discussion on fine tuning the ethics code. He stated regardless as to whether someone agrees with Zimmer's comments, the errors that were made regarding the two organizations were very unfortunate. He believes there has been no ethics violation and there is nowhere else to go.

Supervisor Gerroll motioned to end the discussion regarding the conduct of County Board Supervisor Zimmer and take no action.

Chairperson Brey mentioned that if there would have been a discussion about the meeting then we would have been violating the open meetings law because we are only a three-man committee. He stated there is a fine line when it comes to asking members opinions in emails because of the open meetings law. He explained that is why the meeting took place. He pointed out there were many accusations from the public and supervisors that this was politically motivated, but it was not. He does not have a personal vendetta against other public officials. He takes his political duties seriously and when people discuss ethics violations with him then there are procedures to follow. He state because of this meeting, it will open up a bigger discussion in the county.

Adjournment: Supervisor Gerroll moved to adjourn, seconded by Supervisor Behnke. Upon vote, the motion passed unanimously and the meeting adjourned at 6:48 p.m.

Respectfully submitted,

Jessica Backus  
Manitowoc County Clerk