



ADMINISTRATIVE POLICY COMMITTEE MEETING AGENDA

April 23, 2025 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

All Agenda Items Listed Are for Discussion and Possible Action

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. PUBLIC COMMENT

Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this Village that Public Comment will take no longer than 15 minutes with a three-minute time period, per person, with time extension per the Chief Presiding Officer's discretion. Be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.

3. OLD BUSINESS

- C. Village Employee Handbook Review

4. NEW BUSINESS

- D. Discussion & Possible Action: RFP Request for Municipal Insurance
- E. Village Attorney RFP - Axley Attorneys

5. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

6. NEXT MEETING: May 15, 2025

7. ADJOURNMENT

NOTE: Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made at least 24 hours in advance to the Village Clerk's office at (715) 693-4200 during business hours.

Posted: 04/22/2025 Kronenwetter Municipal Center and www.kronenwetter.org

Faxed: WAOW, WSAU, City Pages, Mosinee Times | Emailed: Wausau Daily Herald, WSAW, WAOW, Mosinee Times, Wausau Pilot and Review, City Pages

AXLEY ATTORNEYS

WILLIAM S. COLE
wcole@axley.com
608.283.6766
Madison Office

November 26, 2024

Via U.S. Mail and E-mail

Ms. Jennifer Poyer
Deputy Clerk
Kronenwetter Municipal Center
1582 Kronenwetter Drive
Kronenwetter, WI 54455

RE: Village Attorney Services Proposal

Dear Ms. Poyer,

Thank you for the opportunity to present a proposal for the provision of general legal services to the Village of Kronenwetter. Enclosed please find a copy of our municipal services brochure describing the background and qualifications of myself and the members of the municipal practice group, and a representative listing our municipal clientele.

Axley Brynelson is a full service law firm, comprised of more than 60 attorneys, with offices in Madison, Waukesha, and Janesville. We serve as general counsel to over 50 municipal entities throughout the State of Wisconsin, including several intergovernmental entities. We also serve many municipalities on specific legal matters. As such, we are fully versed in all aspects of municipal law.

We firmly believe the best way to provide cost-effective and timely municipal service is to combine the expertise of many different municipal attorneys of varying specialties, with the responsiveness of a single point of contact. By utilizing individuals with specific expertise to suit the issue, and specifically trained non-attorney municipal staff, I am confident we can provide service as cost effectively as our competitors, notwithstanding any variation in hourly rates.

To that end, the undersigned would serve as the Village Attorney and bear overall responsibility for all legal services to the Village, with support from other of the firm's municipal attorneys, paralegals, and non-municipal specialists as appropriate for specific matters. In that way, the Village would have a single point of contact but benefit from the resources of a large firm. I would be available by cell phone on a 24/7 basis.

While I am based in Madison, we have found that modern communication technology allows us to represent local governments throughout the state in a cost-effective manner. We will attend in person meetings at any time Village officials deem it appropriate.

With regard to the specific information sought in the request for proposals:

1. Experience and qualifications of the firm

It would be difficult to list recent municipal experience as requested in the RFP. As mentioned above, we represent numerous municipalities. We, therefore, undertake dozens of municipal matters in any given day. Speaking simply for myself, I would list the following as recent experiences:

- Successfully represented a metropolitan sewerage district in a rate dispute with several municipalities before the Public Service Commission.
- Successfully pursued several structural rate cases, including one currently before the Wisconsin Supreme Court.
- Drafted numerous municipal contracts; such as construction of a fire station, village hall, police station, water tank and associated well; solid waste services; water tank telecommunications leases; municipal boundary agreements; intergovernmental service agreements.
- Overseeing the negotiation and drafting of development agreements for numerous TIF developments valued at over \$130 million within the last year.
- Currently representing a township in efforts to incorporate as a village.
- Advising clerks on a variety of election related matters.
- Drafting ordinances and resolutions on a weekly basis.
- Handling various types of land acquisitions, including sales, purchases, and acquisitions through eminent domain.

Please also refer to the attached municipal services brochure for a detailed overview of our expertise in municipal matters. These matters are specifically discussed on pages 4 through 6, and a listing of other municipal clients is included on page 7.

My philosophy in providing municipal services is simple -- the ability of myself, and all of the people associated with me, to support our families depends on our clients being satisfied with our work. Absent a catastrophe, all phone calls and emails will be returned or responded to within 24 hours, usually within a couple of hours. All tasks are assigned an internal deadline and responsible attorney. They are then tracked by my assistant and discussed with me each morning to ensure they are fulfilled within the Village's timeline. I welcome, and will seek out, constructive criticism in an effort to constantly improve our service. I believe the best indication of my dedication to providing the best possible service is the fact that I still represent every municipality, less one, that has hired me in my entire 34-year career.

2. Proposed Attorney or Attorneys

I would be the lead attorney for the Village and responsible for all the work performed for the Village. Other attorneys of the firm's municipal practice would also regularly perform work for the Village as appropriate based on their specific expertise:

AXLEY ATTORNEYS

Village of Kronenwetter
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Michelle Martin
Lori Lubinsky
Kathryn Sawyer Gutenkunst
Robert Procter
Danielle Tierney
Connor Mooney
Christopher Nelson
Michael Van Kleunen

Detailed biographies for each of the above attorneys and myself are included in the attached municipal practice group members brochure.

As a full service law firm, Axley Attorneys possesses the necessary resources to provide comprehensive support to the Village. The municipal practice group is supported by a dedicated municipal paralegal and numerous legal assistants. Village personnel would have our cell phone numbers for availability 24/7. The firm maintains an extensive law library supervised by a dedicated law librarian. In addition, we maintain an information technology department of five full-time IT professionals. They, together with the law librarian, maintain our access to most computerized legal systems.

A conflict check was done for municipalities near the Village of Kronenwetter, and no potential conflicts were discovered. To the extent any conflict should arise, we would seek to obtain conflict waivers if appropriate. If we are unable to obtain a conflict waiver, we will secure substitute counsel for each party as required by the code of ethics.

3. References

I have listed three references as that is what was requested in the RFP. However, I am proud to say I have a good working relationship with all of the public officials with whom I work. I would encourage you to contact the leadership of any municipality for whom we serve. I am confident any of which we represent will speak well of the service we provide.

Mr. Marc Houtakker
Interim City Administrator/Finance Director
City of Monona
Phone: (608) 222-2525
Email: mhoutakker@ci.monona.wi.us

Mr. Alan Wildman
Village Administrator
Village of Prairie du Sac
Phone: (608) 643-2421
Email: awildman@prairiedusac.net

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Ms. Tina Butteris
Village Administrator
Village of Windsor
Phone: (608) 888-0066
Email: tina@windsorwi.gov

4. Compensation

Services would be billed as follows to the nearest 1/10th of an hour by all attorneys:

General Municipal/Municipal Court Matters	\$264 per hour
Litigation Matters	\$287 per hour
TIF/Development/Other Matters	\$366 per hour

Fees are revised annually at the beginning of each year. Itemized invoices are sent on a monthly basis and payment is requested within 30 days.

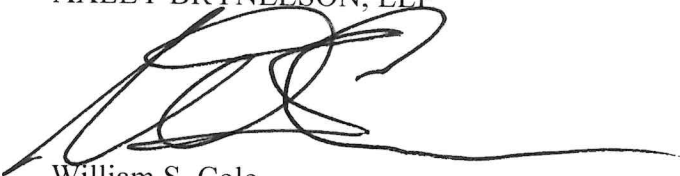
All out-of-pocket expenses would be charged at cost without administrative write-up and supported by invoices provided upon request. Travel fees would be billed at the standard business mileage reimbursement rate set annually by the IRS. Our office is equipped with videoconferencing capabilities (Zoom, Teams, etc.) to allow for remote appearances at meetings as requested.

It is likely our hourly rates will not be the lowest of our competitors. However, I am confident we can fulfill the responsibilities to the Village at a lower total cost. To that end, I would encourage you to request the monthly invoices for any of our communities (they are all obviously public record) and compare them to the monthly invoices of any of the other firms you are considering.

Thank you for your time and consideration. Please feel free to contact me if I can provide any further information.

Very truly yours,

AXLEY BRYNELSON, LLP



William S. Cole
WSC:hgm

Enclosures



William S. Cole

wcole@axley.com • 608.283.6766

PRACTICE AREAS

- ▶ Litigation
- ▶ Municipal & Local Government
- ▶ Municipal & School
- ▶ Municipal Prosecutions & Litigation Defense
- ▶ Ordinance Drafting & Enforcement
- ▶ Real Estate, Zoning, Land Use & Development
- ▶ Tax Incremental Districts

EDUCATION

- ▶ J.D., University of Wisconsin-Madison Law School
- ▶ B.A., *cum laude*, Ripon College

Attorney William S. Cole is a partner managing the firm's municipal group, with over 30 years of experience in municipal law, real estate law and civil litigation.

Over the course of his career, Attorney Cole has worked in both the private and public sectors, handling all legal matters for various municipalities across Wisconsin. Currently, he represents over 30 municipal entities; serving as city attorney for the cities of Monona, Platteville and Waterloo; village attorney for the villages of Windsor, Black Earth, Maple Bluff, Mazomanie, Prairie du Sac, and Warrens; and legal counsel to numerous towns, fire districts, sewerage districts and redevelopment entities. Attorney Cole has particular expertise in the areas of tax incremental financing, condemnation, public bidding, and liquor licensing matters. Attorney Cole's recent municipal work includes:

- Successfully concluded numerous multi-million dollar municipal development projects through all stages; including land acquisition, condemnation, negotiation of development agreements, environmental remediation, relocation of displaced persons, financing, and construction.
- Drafting and implementation of what has been reported to be the first agreement in Wisconsin for the purchase of solar energy by a municipality from a private non-utility.
- Drafting and implementation of what has been reported to be one of the first anti-bullying ordinances in the nation.
- Advising a community regarding the abatement of a nuisance industry and successfully defending same through the Court of Appeals.
- Advising a community regarding the revocation of the liquor license of a nuisance entertainment venue and successfully defending same in court.
- Successfully defending on behalf of a community through the Court of Appeals the tax assessment of an urban property owner contending their parcel qualified for assessment as an agricultural use.
- Advising and litigating on behalf of a state-wide association regarding public bidding and prevailing wage requirements.

For more information: www.axley.com/attorney/william-cole



Lori M. Lubinsky

llubinsky@axley.com • 608.283.6752

PRACTICE AREAS

- ▶ Business, Corporate & Securities
- ▶ Covid-19
- ▶ Condominium Development & Conversions
- ▶ Elder Care Industry
- ▶ Limited Liability Companies
- ▶ Loans
- ▶ Real Estate, Zoning, Land Use & Development
- ▶ Senior Housing
- ▶ Tax Exempt & Not-For-Profit Organizations

LICENSED TO PRACTICE

- ▶ State of Wisconsin
- ▶ United States Supreme Court
- ▶ Eastern and Western Federal Districts of Wisconsin
- ▶ United States Court of Appeals for the Seventh Circuit

EDUCATION

- ▶ J.D., *cum laude*, University of Wisconsin-Madison Law School
- ▶ B.A., *with honors*, University of Wisconsin-Madison

Lori Lubinsky is a partner at Axley Law Firm. She is a member of both the Litigation and Labor and Employment Practice Groups. Ms. Lubinsky's practice includes civil litigation, employment law, insurance defense, professional malpractice, shareholder disputes, commercial litigation, construction litigation and personal injury law. She also represents municipal corporations and school districts on a variety of legal issues including discrimination, harassment, retaliation, constitutional/civil rights law, contract issues, special education matters and student discipline.

Ms. Lubinsky's practice includes active litigation in administrative tribunals, state court and federal court. She regularly serves as local counsel for out of state law firms in state and federal court. She also advises clients on compliance with a variety of laws including federal and state employment laws, and open records and open meetings laws.

Ms. Lubinsky has been an adjunct professor at the University of Wisconsin Law School teaching Pre-trial Advocacy. She also speaks before a variety of professional and business organizations on litigation and employment issues.

Ms. Lubinsky has significant appellate experience, having argued five times before the Wisconsin Supreme Court and seven times before the Seventh Circuit. She has acted as lead counsel in over thirty state and federal appeals.

INVOLVEMENT

- ▶ Member, American Bar Association
- ▶ Member, Executive Committee, Axley Brynerson, LLP
- ▶ Member, Wisconsin Defense Counsel
- ▶ Member, Dane County Bar Association
- ▶ Member, State Bar of Wisconsin
- ▶ Member, Wisconsin School Attorneys Association
- ▶ Member, Wisconsin School Board Association

RECOGNITION

- ▶ Recognized in *The Best Lawyers in America*® (2011-2022 Edition) – Education Law
- ▶ Recognized in *The Best Lawyers in America*® (2013-2022 Edition) – Insurance Law
- ▶ Named to the 2013-2018 Wisconsin Super Lawyers List (Primary Area of Practice: Civil Litigation Defense)
- ▶ Named to Wisconsin Super Lawyers List in its Business Edition (Primary Area of Practice: Civil Litigation Defense)
- ▶ Named by the *Wisconsin Law Journal* as one of 2009's top women in the Wisconsin legal profession
- ▶ Named to the 2006, 2007, 2010 and 2012 Wisconsin Rising Stars Lists
- ▶ AV Preeminent® Peer Review Rated by Martindale-Hubbell® Peer Review Ratings™

SIGNIFICANT REPRESENTATIONS

- ▶ Successfully represented real estate developer through trial in lawsuit filed by commercial tenant seeking damages in excess of \$800,000 relating to the scope of a use restriction in the commercial lease prohibiting certain types of restaurants from operating near the tenants location.
- ▶ Obtained summary judgment in federal court, which was affirmed on appeal at *Champlin v. Wonewoc-Center Sch. Dist.*, 2003 WL 2150938, on behalf of school district of former employee's claim for failure to accommodate an alleged disability, while also obtaining no probable cause finding after hearing before Equal Rights Division on retaliation claim brought by same employee.
- ▶ Obtained summary judgment for school district relating to parents' request for reimbursement of private school tuition payments for disabled student, which was affirmed on appeal at *Hjortness v. Neenah Joint School Dist.*, 508 F.3d. 851 (7th Cir. 2007)
- ▶ Prevailed at administrative hearing relating to developer's request for approval from DNR for relocation of road providing access to waterway, which was affirmed in appeal at *Citizens for U v. DNR*, 2010 WI App 21

PUBLICATIONS**ARTICLES**

- ▶ Wisconsin Likely to Allow Schools and Prisons to Bar Employment of Felons
- ▶ Discrimination Based on Arrest/Conviction Record
- ▶ Public Policy Precludes Corporate Liability for Employee's Improper Use of Employer's Computer
- ▶ The False Claims Act: Protecting the Public From False Submissions for Claims to the Federal Government
- ▶ Consistently Poor Evaluations Result in Dismissal of Race, Retaliation Claims
- ▶ Court of Appeals Narrows Open Meetings Law Exception



Michelle E. Martin

mmartin@axley.com • 262.409.2288

PRACTICE AREAS

- ▶ Commercial Litigation
- ▶ Employee Hiring, Discipline & Discharge
- ▶ Employment Contracts & Restrictive Covenants
- ▶ Employment Litigation
- ▶ Federal Court Litigation
- ▶ Insurance Defense
- ▶ Labor & Employment
- ▶ Municipal & School
- ▶ Professional Liability Defense
- ▶ Representation of Public Sector Employers

LICENSED TO PRACTICE

- ▶ State Courts of Wisconsin
- ▶ Eastern and Western Federal Districts of Wisconsin

EDUCATION

- ▶ J.D., *cum laude*, Marquette University Law School
- ▶ B.S., Business Administration, Minor in Economics, Trinity University
- ▶ Franklin College, Lugano, Switzerland

Michelle Martin is a partner at Axley, practicing primarily in the areas of real estate and business. She has extensive real estate experience in condemnation and eminent domain, land use and zoning, easements, tax assessments, development, leasing, and commercial and industrial transactions. Ms. Martin represents clients in condemnation matters relating to electric transmission lines, natural gas pipelines, highways, and other development. She also assists clients in developing, acquiring, and managing commercial and industrial properties.

With regard to business matters, her practice involves the formation and structuring of businesses, the sale and acquisition of businesses and their assets, as well as general contract drafting and negotiations. Ms. Martin's practice in estate planning encompasses the preparation of wills, trusts, and powers of attorney; probate proceedings; and probate litigation.

INVOLVEMENT

- ▶ Member, American Bar Association
- ▶ Member, State Bar of Wisconsin
- ▶ Member, Waukesha County Bar Association
 - Board of Directors, 2002 – 2015
 - President, 2011 – 2012
 - Past President, Young Lawyers Division
- ▶ Member, Dane County Bar Association
- ▶ Plan Commission, Town of Brookfield, Wisconsin, 1998 – 2004
- ▶ Zoning Board of Appeals, Town of Brookfield, Wisconsin, 2003 – 2004
- ▶ Junior League of Milwaukee
 - Controller 1999-2000
 - Director of Operations/Treasurer, 2000 – 2001; 2006-2007
 - Board of Directors, 2000 – 2003; 2004 – 2007
- ▶ Gilda's Club Southeastern Wisconsin, Inc. Board of Directors 2003 – 2004

RECOGNITION

- ▶ Recognized in *The Best Lawyers in America*® (2021-2022 Edition) – Real Estate Law
- ▶ Named the Waukesha County Bar Association's Distinguished Member (2015)
- ▶ Named to the 2007 Wisconsin Rising Stars List (Primary Area of Practice: Land Use Law)
- ▶ Martindale-Hubbell Distinguished Peer Review Rated by Martindale-Hubbell® Peer Review Ratings™

SIGNIFICANT REPRESENTATIONS

- ▶ Represent airports throughout the state to assist them in acquiring land rights to complete airport improvement projects. The land rights acquired include land in fee, aviation easements and temporary and permanent access easements.

PUBLICATIONS

ARTICLES

- ▶ Wisconsin Supreme Court Restores Reason in Christus Lutheran Church of Appleton v. Wisconsin Department of Transportation
- ▶ Throwing the Challenge Flag: Can States Use Eminent Domain to Keep Sports Teams from Moving?
- ▶ Before the Border Wall is Built the Government Needs a Place to Build It
- ▶ Special Benefits: One Phrase, Two Meanings
- ▶ "Controlled-Access Highway" Allows the DOT to Control More Than Just the Highway
- ▶ Raising Issues of Statutory Compliance...And No Good Deed Goes Unpunished
- ▶ Takings Cannot Be Too Large or Too Small: They Must Be "Just Right"
- ▶ If a Permit Condition Is Not a Compensable Taking, It Is Constitutional
- ▶ In Minnesota, a Legal Non-Conforming Use is Not Terminated by Issuing or Revoking a Conditional Use Permit
- ▶ Permitted & Conditional Uses: One of These Things Is Not Like the Other
- ▶ When it Comes to the Various Uses Under a Zoning Designation, One of These Things is Not Like the Other
- ▶ When is an Unconstitutional Condition of a Governmental Land Use Permit a Taking?
- ▶ When Are "Monetary Exactions" as a Condition of a Land Use Permit Constitutional?
- ▶ In Commercial Real Estate Transactions, Limited Liability May Not Be So Limited



Robert C. Procter

rprocter@axley.com • 608.283.6762

PRACTICE AREAS

- ▶ Business, Corporate & Securities
- ▶ Covid-19
- ▶ Condominium Development & Conversions
- ▶ Elder Care Industry
- ▶ Limited Liability Companies
- ▶ Loans
- ▶ Real Estate, Zoning, Land Use & Development
- ▶ Senior Housing
- ▶ Tax Exempt & Not-For-Profit Organizations

LICENSED TO PRACTICE

- ▶ State Courts of Wisconsin
- ▶ State Courts of Illinois
- ▶ Eastern and Western Federal Districts of Wisconsin

EDUCATION

- ▶ J.D., *cum laude*, Boston University
- ▶ B.A., University of Wisconsin - Madison

Robert Procter is a partner in the firm licensed to practice in the states of Wisconsin and Illinois. He primarily represents businesses in real estate and construction, distribution, and insurance agency law. Robert is invested in long-term client relations preferring to enter into flat fee and retainer arrangements that reflect the true value of his work rather than the length of a phone call or the number of emails he can send.

Real Estate Law: Robert represents developers and contractors in all aspects of real estate and construction law including land use approvals, tax increment financing, construction and permitting. Robert is the outside general counsel for the Wisconsin Builders Association and the Government Affairs Director for the Realtors® Association of South Central Wisconsin. Robert is a licensed lobbyist, and regularly advocates on behalf of his clients on land use, construction and real estate legislation.

Distribution: Robert represents businesses in all aspects of dealership/distribution law including distribution agreements and networks, dealer terminations, product recalls and regulatory compliance and litigation. Robert has significant experience representing businesses subject to the Wisconsin Fair Dealership Law.

Insurance Agency Law: Robert has literally grown up in an insurance agency. He comes from a family that has owned and operated an insurance agency located in South Milwaukee, Wisconsin since 1943. It is the Procter Insurance Agency, currently operated by his brother, Christopher Procter, formerly operated by his father, Robert C. Procter, Jr., and started by his grandfather Robert C. Procter, Sr. Robert's other brother Phillip J. Procter is currently an insurance agent at M3, and only his sister Alessandra has escaped the insurance industry. The Procter family has been involved in the business of insurance for many, many years; and Robert has a breadth of knowledge and experience including more than a decade of training with Attorney Tim Fenner, the "Godfather" of Insurance Agency Law.

Robert is married, a proud father of four spirited children, has a dry sense of humor that most find not funny, and prides himself on being able to manufacture an analogy to fit any circumstance.

INVOLVEMENT

- ▶ Outside General Counsel, Wisconsin Builders Association
- ▶ Government Affairs Director, Realtors Association of South Central Wisconsin
- ▶ Board Member, Wisconsin Realtors Association
- ▶ Board Member, Madison Area Builders Association
- ▶ Chair, Government Affairs Committee, Madison Area Builders Association
- ▶ Former Board Member, Realtors Association of South Central Wisconsin
- ▶ Former Vice President, Realtors Association of South Central Wisconsin
- ▶ Former First Vice President, Madison Area Builders Association
- ▶ Former Chair, Developers Council, Wisconsin Builders Association

RECOGNITION

- ▶ Recognized in *The Best Lawyers in America*® (2013-2022 Edition) – Real Estate Law
- ▶ Named to the Wisconsin Super Lawyer lists in 2008 and 2009
- ▶ Wisconsin Builders Association Associate of the Year
- ▶ Wisconsin Builders Association Above and Beyond Service Award
- ▶ Realtors Association of South Central Wisconsin Affiliate of Distinction
- ▶ Madison Area Builders Association Associate of the Year
- ▶ “Superb” Avvo Rating of 8.9 out of 10.0

PUBLICATIONS

ARTICLES

- ▶ How the Grinch Stole Your Holiday Gifts!
- ▶ Wisconsin Supreme Court Rules in Favor of Insurance Agency
- ▶ DATCP Issues Emergency Rule Prohibiting Late Fees & Penalties Against Residential Tenants
- ▶ Governor Evers Extends Safer at Home Order With Subtle Changes To Housing Construction
- ▶ How to Respond to Law Enforcement When My Company is an Essential Business
- ▶ Best of WBA Legal Hotline from 2013
- ▶ The Best of the Wisconsin Builders Association Legal Hotline 2013
- ▶ Wisconsin Fair Dealership Law: Let the Grantor Beware
- ▶ Antitrust Attack! Antitrust Law for Trade Associations
- ▶ How Do I Recall My Village Board?
- ▶ Can a Village Board Disregard a Binding Referendum?
- ▶ Unemployment for Members of LLCs
- ▶ Claims Against the State of Wisconsin for Unpaid Contracts
- ▶ Hiring Minors for Summer Work
- ▶ Taking Credit Card Numbers to Ensure Payment
- ▶ Weather Related Unemployment Claims
- ▶ Understanding Your Distribution Contract: The “Best Efforts” Clause
- ▶ What Do McDonalds, Burger King and SoccerTots Have in Common?: The Wisconsin Franchise Investment Law

ALERTS

- ▶ Circuit Court Reinstates Emergency Order #3’s Limits on Public Gatherings – What it Means to You
- ▶ Circuit Court Issues Temporary Injunction Blocking Emergency Order #3’s Limits on Public Gatherings
- ▶ Emergency Order #3 Limiting Public Gatherings
- ▶ What Does the Face Covering Order Mean for Home Builders?
- ▶ Senate Passes Paycheck Protection Program Flexibility Bill
- ▶ PPP Loan Forgiveness Application & Instructions Released
- ▶ Campgrounds May Remain Open Under The Safer At Home Order
- ▶ Governor Evers Temporarily Bans Commercial and Residential Evictions and Foreclosures For Failure To Pay
- ▶ Requirements for Essential Businesses & Operations to Remain Open
- ▶ Governor Evers Issues FAQs For Safer At Home Order
- ▶ What does Wisconsin’s Safer At Home Order Mean For The Home Building Industry?
- ▶ Wisconsin’s Safer At Home Order – What Does it Mean for Your Business?
- ▶ Wisconsin Supreme Court Eliminates Protections for Wine Dealers Under Wisconsin’s Fair Dealership Law
- ▶ State Budget Eliminates Rental Weatherization Program
- ▶ Wetland Permitting Reform Bill Adopted by Wisconsin Legislature



Kathryn Sawyer Gutenkunst

ksg@axley.com • 262.409.2292

PRACTICE AREAS

- ▶ Custody, Placement & Child Support
- ▶ Divorce, Annulment & Legal Separation
- ▶ Estate, Trust & Fiduciary Litigation
- ▶ Family Law
- ▶ Litigation
- ▶ Municipal & Local Government
- ▶ Municipal & School
- ▶ Real Estate, Zoning, Land Use & Development

EDUCATION

- ▶ J.D., Marquette University Law School
- ▶ B.S., University of Wisconsin-Madison

Attorney Kathryn Sawyer Gutenkunst is a partner at Axley and a member of the Litigation and Business practice groups. With 34 years of experience, Attorney Gutenkunst practices in the areas of civil and commercial litigation, family law, municipal law, land use and development, condemnation and eminent domain, and real estate law. She represents a wide array of clients from individuals and businesses to municipalities.

Attorney Gutenkunst litigates a variety of case types including covenants not to compete, construction contracts, riparian rights, municipal issues, will contests, commercial litigation, and family law matters. She has a history of appearing before the 7th Circuit Court of Appeals, the Wisconsin Appellate Court, and the Wisconsin Supreme Court.

Certified in collaborative family law, Attorney Gutenkunst represents families in matters related to divorce, legal separation, custody, and placement. When family law matters cannot be resolved amicably, she draws from her intense litigation background to become an advocate for her client in the courtroom. Her unique experience with business clients gives her an edge in complex divorces, as she can easily read a balance sheet and understand corporate structures.

In regards to her business practice, Attorney Gutenkunst represents clients with land use and zoning matters, and also real estate development, where she frequently works with developers and municipalities. She has resided in Waukesha County her entire life, and her knowledge of local events and municipal leaders in the area gives her a key advantage in her cases.

Outside of work, Attorney Gutenkunst enjoys sailing, skiing, riding horses, and spending time with her family.

INVOLVEMENT

- ▶ American Bar Association, Member
- ▶ State Bar of Wisconsin, Member
- ▶ Waukesha County Bar Association, Member, Past President
- ▶ Collaborative Family Law Council of Wisconsin, Member
- ▶ First Federal Bank of Wisconsin, Director/Secretary
- ▶ Anthony's Church, Member

RECOGNITION

- ▶ AV Preeminent® Peer Review Rated by Martindale-Hubbell® Peer Review Ratings™



Danielle B. Tierney

dtierney@axley.com • 608.283.6712

PRACTICE AREAS

- ▶ Commercial Litigation
- ▶ Insurance Claims & Defense
- ▶ Litigation
- ▶ Municipal & School

LICENSED TO PRACTICE

- ▶ State of Wisconsin
- ▶ United States Supreme Court
- ▶ Eastern and Western Federal Districts of Wisconsin
- ▶ United States Court of Appeals for the Seventh Circuit

EDUCATION

- ▶ J.D., University of Wisconsin Law School
- ▶ B.A., Sociology & Legal Studies, University of Wisconsin-Madison

Attorney Danielle Tierney is a partner at Axley and a member of the firm's litigation practice group. Ms. Tierney focuses her practice on a variety of civil law areas, including commercial litigation, agricultural litigation, contractual and collection disputes, municipal litigation, and insurance defense matters. She regularly represents municipalities, school districts, and counties in state and federal court and has successfully defended numerous lawsuits against those municipal clients arising from alleged constitutional and civil rights violations, employment disputes, and discrimination claims.

Ms. Tierney has extensive litigation experience in both state and federal courts. She has first-chaired a First Amendment jury trial in federal court; first-chaired a discrimination jury trial in federal court; first-chaired a personal injury jury trial and prosecuted numerous municipal OWI jury trials in state court; second-chaired bench and jury trials in state court involving agricultural, contractual, and defamation claims; handled countless depositions, motion hearings, and small claims matters; drafted and filed numerous briefs and petitions in the Wisconsin Court of Appeals and Wisconsin Supreme Court; argued before the Wisconsin Supreme Court; argued cases before the Seventh Circuit Court of Appeals four times; and submitted briefs to the Supreme Court of the United States. Ms. Tierney was named an Up and Coming Lawyer by the Wisconsin Law Journal in 2018; she was named a Rising Star by Wisconsin Super Lawyers in 2019, 2020, 2021, 2022, and 2023; and she was recognized in The Best Lawyers: Ones to Watch in America (2024 Edition) for commercial litigation.

In addition to vigorously managing the legal aspects of her client's claims, Ms. Tierney prides herself on keeping her clients informed of every aspect of their legal matter. She gives her clients complete confidence that their case is being handled with the utmost care and diligence through open channels of communication.

When she is not in the office, Ms. Tierney enjoys spending time with her family, attending classes at Orange Theory, and listening to audiobooks.

RECOGNITION

- ▶ Named a 2018 Up and Coming Lawyer by the Wisconsin Law Journal
- ▶ Named to the 2019-2022 Rising Star Lists by Wisconsin Super Lawyers
- ▶ Recognized in *The Best Lawyers: Ones to Watch in America*® (2024 Edition) – Commercial Litigation

PUBLICATIONS

ARTICLES

- ▶ Off-the-Cuff Comments: Potential Pregnancy and Parental Leave Pitfalls in the Workplace
- ▶ Court of Appeals Rules Private Email Addresses May Be Subject to Open Records Requests Without Evidence of Parent Concerns
- ▶ When the Wind Blows
- ▶ D.C. Circuit Allows for Title VII Liability Without Any Tangible Harm
- ▶ Employers Can Face Liability for Employee-to-Employee or Third-Party Racial Harassment
- ▶ What Law Applies When Supervisor, Employees Live in Different States?
- ▶ Determining Use of Unpaid Leave When Paid Time Off is Available
- ▶ Permitting Employees to Clock In and Out on Personal Cell Phones
- ▶ Residential Landlords Face Criminal Liability for Unlawfully Withholding Security Deposit
- ▶ Recent Ruling Regarding the Economic Loss Doctrine
- ▶ What to Expect When They're Expecting: Leave Policies for New Fathers
- ▶ The Task at Hand: Focusing on Worker Classification
- ▶ Who Has the Golden Ticket? Office Pools, Lotteries, & Gambling in Wisconsin
- ▶ Wisconsin Weather Poses Various Risks for Employers
- ▶ AutoZone Employee Can't Prove 'Segregating or Classifying' Claim Under Title VII
- ▶ From the Home Office: Employer Considerations for Telecommuters
- ▶ Prevailed on summary judgment motion and obtained dismissal of student's claims against school district which stemmed from injuries student received in a welding class. Court rejected plaintiff's arguments that a "known and compelling danger" existed.
- ▶ Successfully defended a police department and its chief through federal jury trial and obtained a defense verdict against First Amendment claims brought by employee.
- ▶ Obtained summary judgment in federal court, which was affirmed on appeal by the Seventh Circuit, on behalf of a university stemming from a student's claim that a sexual assault investigation by the university violated Title IX.
- ▶ Obtained summary judgment in federal court, which was affirmed on appeal by the Seventh Circuit, on behalf of a county stemming from a jail inmate's claim that a cavity search violated her Fourth Amendment rights.
- ▶ Obtained summary judgment in federal court on behalf of numerous municipal defendants stemming from a serial pro se litigator's claims that the municipal defendants violated his federal constitutional rights. Also obtained court order prohibiting the pro se litigant from continuing to file lawsuits without permission from the court.
- ▶ Obtained summary judgment in federal court on behalf of county and deputy stemming from a decedent's estate's claim that the deputy utilized excessive force.
- ▶ Obtained summary judgment in state court on behalf of corporate client stemming from claims of improper billing for medical services.
- ▶ Successfully defended OWI verdict challenge by defendant at Wisconsin Court of Appeals.
- ▶ Successfully defended a county board of adjustment decision which had denied a CUP application.
- ▶ Obtained summary judgment in federal court on behalf of a county sheriff's department stemming from claims that department should have obtained medical treatment for jail inmate.
- ▶ Obtained summary judgement in federal court on behalf of large metropolitan school district stemming from claims that district failed to protect student from peer-to-peer disability-based harassment.
- ▶ Obtained summary judgement in state court on behalf of school board member and school district stemming from former administrator's claim of harassment.
- ▶ Obtained Rule 37 dismissal of former inmate's claims against county jail and deputies stemming from claims regarding treatment of inmate in jail facility.
- ▶ Prevailed on immunity defense in state court on behalf of school district on slip and fall claim by student.



Christopher Nelson

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PRACTICE AREAS

- ▶ Condemnation & Eminent Domain
- ▶ Litigation
- ▶ Municipal & School

LICENSED TO PRACTICE

- ▶ State Courts of Wisconsin
- ▶ Eastern and Western Federal Districts of Wisconsin
- ▶ Southern and Northern Federal Districts of Wisconsin
- ▶ Western Federal Districts of Michigan
- ▶ Federal District of Minnesota
- ▶ United States Court of Appeals for the Seventh Circuit

EDUCATION

- ▶ J.D., *magna cum laude*, William Mitchell College of Law
- ▶ B.A., *magna cum laude*, Occidental College

Attorney Christopher Nelson is a Senior Associate at Axley and a member of the firm's litigation and municipal practice groups.

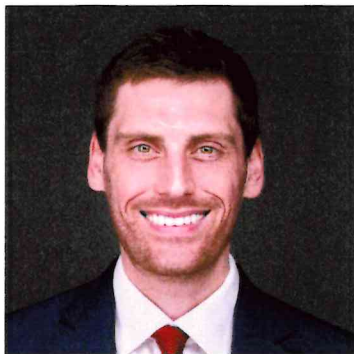
A magna cum laude graduate of William Mitchell College of Law, Attorney Nelson works with municipalities, schools, businesses, and individuals in the areas of municipal law, eminent domain, land use, insurance defense, school law, and general civil litigation. He has worked extensively with local governments, advising on and litigating matters from assessments to zoning disputes.

Prior to joining Axley, Attorney Nelson managed the Civil Municipal Law Department at a Minnesota firm, where he served as general counsel for municipalities in both Minnesota and Wisconsin and represented clients in civil actions, land use and development, and employment matters.

Super Lawyers Named Attorney Nelson a Rising Star for State and Local Government for 2021-2022.

Outside the office, Attorney Nelson can be found on the golf course.

For more information: www.axley.com/attorney/nelson-chris



Michael Van Kleunen

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Attorney Michael Van Kleunen is a Senior Associate at Axley. He practices in the areas of municipal law, real estate, and civil and commercial litigation.

Throughout his career, Attorney Van Kleunen has represented several cities, villages, towns, utility districts, and municipal commissions on matters relating to zoning, land use and development, public finance, and eminent domain. Attorney Van Kleunen's municipal expertise has involved multi-million dollar tax incremental financing developments, subdivisions (single and multi-phased), eminent domain, and significant revisions to municipal codes.

Attorney Van Kleunen also counsels a variety of private clients in residential and commercial real estate transactions, acquisition and sale of businesses, and corporate governance. Attorney Van Kleunen has defended and prosecuted actions involving contract disputes, real estate, collections, and residential and commercial foreclosures.

A graduate of Marquette University Law School, Attorney Van Kleunen was a member of the Marquette Law Review and published author. Attorney Van Kleunen is a graduate of Hanover College (IN), and was a member and captain of the men's basketball team.

When he is not in the office, Attorney Van Kleunen enjoys boating and skiing, running, and watching sports.

For more information: www.axley.com/attorney/van-kleunen-michael

PRACTICE AREAS

- ▶ Business, Corporate & Securities
- ▶ Contract Negotiation & Drafting
- ▶ Condemnation & Eminent Domain
- ▶ Municipal & School
- ▶ Real Estate, Zoning, Land Use & Development

EDUCATION

- ▶ J.D., Marquette University Law School
- ▶ B.A., Hanover College



Connor J. Mooney

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Attorney Connor Mooney is an associate at Axley and is a part of the firm's Litigation practice group. Attorney Mooney focuses his practice in both civil litigation and insurance defense.

PRACTICE AREAS

- ▶ Insurance Claims & Defense
- ▶ Litigation

EDUCATION

- ▶ J.D., University of Wisconsin Law School
- ▶ B.S., Michigan State University

INVOLVEMENT

- ▶ Big Brothers Big Sisters of Dane County

Attorney Mooney represents both individuals and businesses and litigates matters on a wide range of topics including contract disputes, labor & employment, construction, and a myriad of general negligence insurance defense matters.

Prior to joining Axley, Attorney Mooney worked for two reputable law firms in Madison, Wisconsin, where he practiced litigation, workers' compensation, medical malpractice, and transactional law. He was also a Student Attorney for the Law and Entrepreneurship Clinic, where he drafted corporate documents for entity formation, conversion, and stock sale. In addition, Attorney Mooney was a Student Associate at Lexis Nexis and aided his peers with legal research.

Attorney Mooney is a graduate of the University of Wisconsin Law School. During his time there, he held internships with the Supreme Court of Wisconsin, the Dane County Circuit Court Branch 11 & 16, and the Michigan 10th Circuit Court, where he served as an aide to several judges. Before joining law school, Attorney Mooney founded the Spartans Supporting Society, a non-profit organization that provided aid to the homeless community in the greater Lansing, MI, area.

In his free time, Attorney Mooney enjoys spending time with family, fishing, cycling around the lakes of Madison, and riding his motorcycle.

For more information: www.axley.com/attorney/mooney-connor

From: "William S. Cole" <wcole@axley.com>
Sent: Fri, 10 Jan 2025 23:00:19 +0000
To: "Chris Voll" <cvoll@kronenwetter.org>
Cc: "Jennifer Poyer" <jpoyer@kronenwetter.org>
Subject: RE: [External] Kronenwetter RFP

Unfortunately, yes. Best of luck with your search.

Bill

William Cole

Attorney

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From: Chris Voll <cvoll@kronenwetter.org>
Sent: Monday, January 6, 2025 1:04 PM
To: William S. Cole <wcole@axley.com>
Cc: Jennifer Poyer <jpoyer@kronenwetter.org>
Subject: Kronenwetter RFP

Caution - This email originated from outside your organization.

Mr. Cole,

Thank you for responding to our RFP request.

On Friday the 3rd, the Village received a copy of the lawsuit (included) filed by Christopher Nelson.

My assumption is that you'll be withdrawing from our RFP?
Thank you,
Chris Voll
Village President

Sent from my iPhone

Begin forwarded message:

From: Jennifer Poyer <jpoyer@kronenwetter.org>
Date: January 3, 2025 at 2:33:32 PM CST
To: Chris Voll <cvoll@kronenwetter.org>
Subject: Eau Claire River, LLC vs. Village of Kronenwetter

This was delivered today.

Jennifer Poyer
Village of Kronenwetter
Communications Specialist
Deputy Clerk

Phone: 715-693-4200 ext. 1722
Email: jpoyer@kronenwetter.org

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