

**Wilderness Park Homeowners Association**  
**Meeting Minutes**  
**July 13, 2024**

Meeting called to order by Jeff Zabinski at 9:36 a.m.

**Board Present:** Jeff Zabinski, Tom Hansen, Oscar Ehrnst, Rob LaFleur, Kari Koren, Brice Grafstrom, Kris Jackson, and Karen Ludwig

Absent: Paul Albrecht

Brice Grafstrom made a motion to approve the agenda; Tom Hansen seconded; all in favor, motion carried.

**Secretary's Report:** Karen Ludwig provided minutes from the June 8, 2024, meeting to board members and attendees. A moment was provided to read through the minutes. No alterations were requested. Kari Koren made a motion to approve the meeting minutes; Kris Jackson seconded; all in favor, motion carried.

**Treasurer's Report:** Rob LaFleur provided reconciliation reports for April, May, and June, and advised of account balances as follows:

US Bank Checking: \$19,709.41  
US Bank Savings: \$79,810.36  
US Bank CD: \$20,416.63

Deposits for the month were \$4,283.85 for the month of June.

Oscar Ehrnst made a motion to approve the treasurer's report; Brice Grafstrom seconded; all in favor, motion carried.

**Caretaker's Update:** Glen Kastner/Wayne Marklowitz. Wayne and Glen were both present and informed they are taking care of business as usual and things are running smoothly. Glen Kastner provided money from the recycling of aluminum cans. Glen asked to please make sure if you are donating cans, it is JUST cans – no bottles, garbage, or other items.

**Discussion among board members:**

Jeff Zabinski referenced a Jurisdictional Determination that was prepared by the Minnesota Department of Labor and Industry indicating the PPA statutes do not apply to the clubhouse. A copy of this letter was provided to the members in attendance and has been posted on the information board in the clubhouse. The letter is also attached. Members and guests can use the private facility.

Brice Grafstrom informed an attorney from Rinke Noonan was asked to make a determination as to the HOA invoicing its members. See attached letter. This invoicing of dues and collection of late dues will be addressed in further detail at the annual meeting.

**Activities Committee:** Shannon Marklowitz informed approximately \$200 was earned from the Fourth of July ice cream social. Shannon will be organizing another ice cream social after the August meeting (August 10<sup>th</sup>). Oscar Ehrnst thanked Wayne for setting up the parade. Kris Jackson led the parade and informed 47 members / floats participated. It was a fun event and a great way to bring the park community together.

**Declarations:** Kelly Daniels informed the committee has been working for the past year to address some of the concerns with the draft Declaration of Covenants that was provided to members last summer. The committee requested Board's permission to continue to work with Breen & Person to finalize the update of the Declarations.

The committee members consulted with many other attorneys and agreed continuing with Breen & Person would be a wise choice. Kelly said with board approval, the committee will work to put together a list of questions for the attorney. If anyone wants a copy of the document or wants to join the committee, please reach out. The committee is trying to go back to Cass County Ordinances. They are not trying to limit members from doing anything that you are doing now. Kelly also asked for the committee to have permission to take the lead on the establishment of new Declarations going forward. Laura Kerfeld reminded members to email any input to the park that you would like to be forwarded to the committee so the committee can respond. Several members have done this in the past months and the committee is very prompt in responding. Tom Hansen made a motion to continue with Brad Person of Breen & Person to continue to move forward with the renewal/establishment of the Declarations of Covenants; Brice Grafstrom seconded; all in favor, motion carried.

**Road Committee:** Wayne Marklowitz informed on Tuesday that some members of the road committee met with Cass County to address some culvert issues in the park. They learned about draining wetland to lake, or wetland to wetland. They have direction on how to fix water that is going onto the road like on Red Fox. The committee is waiting for pricing. The County said any existing culvert or road issue, ditches, tree cutting, etc. do not have to be approved by Cass County as those are considered maintenance issues. Only installation of new culverts or installation or repair of culverts or road adjustments made near wetlands need prior approval. Email the board if you have any road issues to consider. Those concerns will be forwarded to the committee.

Jeff Jordan said the culvert at Robinhood and Archer is clogged. A member informed a cone needs to be placed where there is a washout on Woodstock. Glen Young requested a brief meeting of the committee after the meeting today.

#### **New Business/Open Forum:**

Fizul Baksh spoke at length about the drama ending and the community coming together to stop the rumors and confusion being spread. He also shared concern that he believes each member should have one vote regardless of how many lots owned. Shawnda Prigelmeier of the Declarations committee informed the proposal in the new Declarations will list one vote per member and one due per member. For example, if a member owns 3 lots, that member would have one vote and pay one due of \$400.

Kelly Daniels stated the Declarations committee is not addressing the dues structure. It will remain the same with the exception of the removal of \$20 for each additional lot owned. Kelly reminded members that Tom Hansen put together the dues structure proposal several years ago and in doing so researched how many members own multiple lots. Tom reported at that time that the majority of the members in the park only own one lot so the removal of the \$20 will not devastate the budget.

Kevin Zabinski asked if a board member was going to address the letter that was sent to some landowners by an attorney to begin a lawsuit. Annette Monson informed the letter sent by the two individuals and it is not park business. Kevin Zabinski informed he is not getting answers or return calls from the attorney or anyone else and he has questions. He asked if the board knew what this letter was about and what was their intention. None of the board members received this letter nor did any board member have anything to do with it. Kevin Zabinski asked if both individuals responsible for sending the letters were members/landowners. It was voiced by another member that one of these two individuals is not an owner of property in the park, but the other is an owner.

A member asked if there was an investigation going on with regard to embezzlement by board member(s). The answer is no, there is no investigation going on with regard to embezzlement by this board or prior board member(s).

A member asked if these two individuals seeking assistance of an attorney have any legal right to go after others or the park. This member informed he doesn't want this action to disrupt the park in any way.

Gina Libbesmeier wanted to comment with regard to an investigation. She informed she was a prior board member and Treasurer for several years. She researched the steps and cost associated with conducting an

audit in the past and informed it was determined to be too costly and unnecessary since any member in the park could do their own audit by viewing the reconciliation reports and bank statements that are provided to members in attendance at monthly board meetings. Gina said she is continuing to volunteer time and help with Treasurer duties on occasion and confirmed no one is taking any money and in fact she believes the board is spending money wisely.

Rob LaFleur informed that the board members are volunteers and provide supplies among other things at their own expense. He expressed that he didn't appreciate constantly being second-guessed. The board members are owners and members of the park too.

Pam Fischer asked what everyone is doing with the letters members received from the attorney for the two individuals that was sent to some members in June. Oscar Ehrnst reminded members that this is a meeting for the board. Leigh Blonigen informed she heard that if you do not send the letter back indicating that you do not want to be a part of this action, your non-response you could be considered a yes. Lori Mackedanz informed she sent her letter back with a clear no marked so there is no confusion.

Lisa Stolze informed that she has heard that the park is trying to change to a 515B and was informed if this happens, the board members would be allowed to go onto the property of others without prior permission. She informed rumors are being spread that any family crest signs would need to be removed, trees would not be allowed to be cut down, etc. Lisa asked for clarification what the board is supporting. These suggested changes/rumors are just that. The Declarations committee is working very hard to keep things in the park "as is." Please send any concerns to the park to be forwarded to the committee to be addressed.

Jeff Zabinski wanted to discuss pool issues. He provided photos showing the pool is all grounded and bonded. He informed he wanted to get everything inspected prior to reporting this. He believes we saved ourselves a lot of headache by updating the pool when we did. He also wanted to point out all work was done by a contractor. The remaining tasks to be completed is tracing of the wires to prove the grounding, a facet needs to be changed to be up to code, and minor work on the pump needs to be done once the board receives the permit from the State so the contractor can proceed to finalize the work. Again, the pool is not dangerous.

Josh Ostrowski would like to get a podium for future comments on open forum/new business. For video recording purposes, it would be helpful. Another member also suggested getting a microphone so members can hear over the background noise. Jeff Zabinski made a motion that for a member to speak during open forum or a comment during future meetings must come up to a podium, state their name, and be limited to two minutes; Oscar Ehrnst seconded, all in favor, motion carried.

Oscar Ehrnst made a motion to adjourn at 10:26 a.m.; Tom Hansen seconded; all in favor, meeting adjourned.

## Jurisdictional Determination

Jeff Zabinski  
Wilderness Park Homeowners Association  
8193 Meadow Lake Road SW  
Motley, MN 56466  
[jeffzabinski@gmail.com](mailto:jeffzabinski@gmail.com)

July 08, 2024

Via: email

***Project: Wilderness Park***

***Reference: Jurisdictional Determination Regarding Place of Public Accommodation***

Hi Jeff,

Thank you for the plan documents indicating the intent of your existing meeting room project. I have reviewed the plans and find that the area of the building dedicated to the assembly use is provided to the private membership only and is not available for the purposes defined in Minnesota Statute 326B.108 Subdivision 1. Therefore, the Minnesota Department of Labor and Industry, Construction Codes and Licensing Division does not have jurisdiction over this project as a Place of Public Accommodation in accordance with Minnesota Statute 326B.108, subdivision 3.

Please note the assembly use has an occupant load of which requires a minimum of two exits, ensure these two exits are maintained and available at all times.

Sincerely,

*Ryan Rehn*

Ryan Rehn  
Supervisor, Building Plan Review  
Construction Codes and Licensing Division

Cc:

Karen Ludwig, HOA Secretary, Wilderness Park  
Greg Metz, Assistant Director, State Building Official, DLI/CCLD  
Tom Gray, Supervisor, Regional Code Services, DLI/CCLD  
Kyle Christensen, Region 6 Code Representative, DLI/CCLD  
File



**RINKE NOONAN**  
*attorneys at law*

July 3, 2024

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Wilderness Park Estates Homeowners Association  
c/o Oscar Ehrnst

**Re: Answers to Board Questions  
Our File No. 09883-0002**

Dear Oscar, Jeff and Board Members:

Jeff Zabinski and Oscar Ehrnst have contacted me with questions concerning the operation of the Homeowner's Association (HOA) and requirement to pay dues. The following may assist you and the residents in the development.

First, a Declaration of Protective Covenants was filed with the Cass County Recorder on June 18, 1976, as Document No. 226108. The Declaration of Protective Covenants, Conditions and Restrictions was recorded June 18, 1976, as Document No. 226109. I will refer to this document as the Declaration in this letter.

I located these documents online using the Cass County Tract Index with the Wilderness Park name. Anyone examining title to any lot in these developments should be able to find these documents and understand that they apply to the platted lots.

On July 12, 2021 the attached Written Action was recorded against all developments as Document No. 674484. This puts every owner on notice that the Association is assessing dues against each lot. I have attached copies of the Declarations and Written Action for your reference.

Article III, Section 1 of the Declaration states that ownership of a lot is the sole qualification for membership in the HOA. If there is more than one owner, they collectively have one membership and one vote. People who jointly own property should determine in advance of a meeting who will vote. All lot owners must be part of the HOA under Article VI, Section 9 of the Declaration. "No owner may waive or otherwise escape liability for assessments provided in this Article by non-use of the Common Area or recreational facilities or by abandonment of his lot." Each lot owner is personally liable for payment of the HOA dues. As I will explain below, the HOA may sue the owner for failure to pay the assessment and recover the amount of the assessment, late fees and legal fees and costs.

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There is no need to wait three (3) years to recover non-payment of assessments under Article VI, Section 9 of the Declaration. The assessment due and owing immediately. Anyone who does not pay their assessment dues under this Section may be sued personally for the amount of the assessment dues, plus a late charge and legal fees. The HOA may also foreclose the lien as a mortgage foreclosure.

Association liens and sheriffs' foreclosure documents have been filed in the past by the HOA. I have attached copies for reference. More are filed in the title records.

Legal fees in a foreclosure are limited by the Minnesota Mortgage Foreclosure Law. It may be best to sue an owner who refuses to pay assessments personally. In that case you may recover all legal fees and costs.

The HOA is responsible for determining and notifying lot owners of the assessment dues, collecting assessments, lien filings, and foreclosures. All of this is provided in Article VI, Section 9 of the Declaration.

The HOA may work with delinquent owners to establish a payment plan. This HOA predates the Minnesota Common Community Interest Act. You may go back six (6) years to recover payment for delinquent assessments. There is a six (6) year Statute of Limitations that limits claims of this nature.

I hope this information is useful. Let me know if you have any questions or need anything further.

Yours Very Truly,



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David J. Meyers  
DJM/msj

Attachments