

**Wilderness Park Homeowners Association  
Unapproved Annual Members Meeting Minutes  
August 15, 2020**

Meeting called to order by Jeff Zabinski at 10:09 a.m.

Board Present: Jeff Zabinski, Gina Libbesmeier, Mitch Peterson, Karen Ludwig, Robyn Willette, Tom Hansen, Katie Lewis

Absent: Paul Albrecht

Volunteers were requested to act as Sergeant of Arms for the meeting. Steve Kusterman, Glen Kastner, and Roger Cummings volunteered and will hold this position for today's meeting.

**Secretary Report:** Minutes from the August, 2020 meeting were made available to board members and attendees at the meeting. A moment was provided to read through the minutes; no alterations were requested. Brenda Henrichs made a motion to approve the meeting minutes; Glen Young seconded; all in favor.

**Treasurer's Report:** Gina Libbesmeier provided a ledger showing July 1, 2019 to June 30, 2020 budget vs. actual report to members, a ledger for the activities committee, and July 1, 2020 to June 30, 2021 budget vs. actual year-to-date. Al Majeski made a motion to approve the treasurer's report, Kevin Zabinski seconded; all in favor. Please email [karenludwig75@gmail.com](mailto:karenludwig75@gmail.com) or [wilderness.park.hoa@tds.net](mailto:wilderness.park.hoa@tds.net) if you were not present at the meeting and would like a copy of these ledgers/reports.

**Caretaker's Report:** Tim Brix was not present. Gina Libbesmeier gave a report on Tim's behalf. Tim advised there is a sign-in sheet for when you use the pool. Please sign-in upon entering and sign-out when leaving. Showers are a must. These are mandatory rules/precautions set forth by the state due to the pandemic. The water to the clubhouse was temporarily shut off because the clubhouse keeps flooding. If using this water, please bring a hose so the water can be kept away from the clubhouse. Make sure to wash wheelers on the cement pad by the shed and wash the mud off the pad when finished. Tim's number is posted in the clubhouse to call if you have an issue. The board will be getting bids to fix the flooding problem. Fizul Baksh requested the board reach out to members to see if any tradesmen are in the park who can assist to cut the cost. He also asked that the board reach out to the members for a donation, if needed. The board has noted many concerns referenced and will be working on repairs as the budget allows. The pressure tank was replaced in the clubhouse and a new furnace was installed for heating the bathrooms through the winter. Al Majeski made a motion to approve; Marie Majeski seconded; all in favor.

**Activities:** Doreen Mages spoke and introduced the members of the activities committee - Theresa Mages, Troy Bauman, Haley Kalkbrenner, and herself. Summer events have been going well outdoors with the COVID-19 restrictions. The activities committee raised enough money to contribute new lighting in the upstairs of the clubhouse, the life jacket/canoe rack, a popcorn machine for use during activities, and they are looking into upgrading the basketball hoops. Bingo and ice cream socials have been going well. Doreen also provided a reminder of upcoming events which all can be referenced on the park website under the events tab. If you are interested in joining this committee, please reach out. Gina Libbesmeier confirmed the paddle boat has been registered to the park. Fizul Baksh requested the committee check into installing adjustable basketball hoops so they can be used by younger children as well. Jeff Finch made a motion to approve; Brenda Henrichs seconded; all in favor.

**Road Committee:** Jeff Zabinski spoke on behalf of the road committee. Members of this committee are Jeff Zabinski, Shane Huesman, Bobby Bochow, Tom Kirchner, Donald Mages, Mike Short, Dan Paul, and Glen Young. A handout was provided informing of the projects that were completed during the last fiscal year. The rain we had over the last day did not help. The intention over the coming years is to gravel first from gate to gate, then branch out as funding allows. Shane Huesman made a motion to approve the road committee report; Roger Cummings seconded; all in favor.

**Bylaws Committee:** Vicki Mattson spoke on behalf of the bylaws committee. Members of this committee are Robyn Willette, Shawnda Prigelmeier, Tom Hansen, Brenda Henrichs, Corrine Young, and herself. They have been meeting to discuss and address the bylaws since last October. It is a slow process. These individuals have been meeting regularly to discuss and translate the bylaws. Their hope is to have amended bylaws to provide to the members by the next annual meeting. The bylaws cannot just be amended because the committee chooses to change it. The members will have an opportunity to vote on any suggested amendment(s). Please contact someone on the board or Vicki if you have a suggested change. Tom Hansen reiterated Vicki's request for information and comments from members. Please reach out if you have anything to share. Roger Cummings made a motion to approve the report of the bylaws committee; Al Majeski seconded; all in favor.

Paul Albrecht put together a five-year improvement plan. Jeff Zabinski read at the meeting. A copy of this plan is attached.

**Open Forum:** A member requested more signage by the pool to make sure members know the effects of dust, sunscreen and oils on the pool filtration system and how application of oils and failing to shower may cause the pool to be closed. As usual, the pool will only be open until Labor Day. Chris Mann made a motion to add signage to the pool area; Zach Sprague seconded; all in favor.

Lori Oldenburg referenced her continued concern for speeding vehicles/ATVs in the park. She said she enjoys people driving by and waving; however, she expressed concern for her safety and the safety of others. This is a complaint/concern that has been made repeatedly. Please slow down and respect your neighbors. A couple years ago someone was air-lifted out. Please remind your guests of these rules also. Another member referenced she has seen young kids that appear to be driving too fast. Please remind your children to be safe and respectful. Troy Bauman said the members need to work to police ourselves. Alice Archer said this problem has gone back to the 70s. Alice made a motion for the board to look into hiring someone who works with the police department or a security company to come in on the holiday weekends. Jeff Jordan, seconded; many opposed. Jeff Zabinski said we can look into having the DNR enforce the speed limit. Members were ok with this solution. Vicki Mattson informed the DNR can stop people and make arrests. A member suggested using a game camera to identify habitual speeders.

### **New Board Member Election:**

A brief outline of the responsibilities of a board member were read. With that in mind, the following individuals expressed an interest in serving a term as a board member: Jeff Zabinski, Roger Cummings, Jeff Finch, Cory Wojtanowicz, and Mike Jacobson.

Each of the candidates introduced themselves to the park and said a little more about themselves. Rose Putnam made a motion for Roger Cummings to run; Brenda Henrichs seconded; all in favor. Josh Ostrowski motioned for Cory Wojtanowicz to run; Jim Winter seconded; all in favor. Alicia Wojtanowicz motioned for Mike Jacobson to run; Debbie Jordan seconded; all in favor. Lori Oldenburg motioned for Jeff Finch to run; John Schei seconded; all in favor. Shane Heald motioned for Jeff Zabinski to run; Kevin Zabinski seconded; all in favor.

The board requested volunteers to count ballots noting that it is preferred that these individuals are not related to candidates so everything is fair. Volunteers were: Al Majeski, Troy Bauman, Debbie Jordan, Annette Monson, Theresa Mages, and Doreen Mages.

A moment was taken for the tally which resulted in the new board members being: Jeff Zabinski, Roger Cummings, and Jeff Finch. The following were the actual numbers:

- Jeff Zabinski - 329
- Roger Cummings - 291
- Jeff Finch - 246
- Cory Wojtanowicz - 94
- Mike Jacobson - 152

Jeff Zabinski, Roger Cummings, and Jeff Finch were in attendance and accepted their positions. Katie Lewis welcomed them to the board.

Zach Sprague made a motion to make the ski hill a common property. After some discussion, Zach's motion was withdrawn. Mitch Peterson read the minutes from the August, 2019 members meeting in which the selling of the ski hill was voted on. Karen Ludwig reiterated the letter from the attorney that indicated the majority vote of the President, Vice President, Treasurer, and Secretary allowed for the sale of the ski hill. A copy of this letter is attached. Vicki Mattson made a motion to discuss the sale of the ski hill at the next annual meeting. Mark Mann seconded. A majority approved.

Chris Mann made a motion to adjourn the meeting at 11:54 a.m., Mark Mann seconded; all in favor.

## 5-Year Plan (2020)

We as Wilderness Park Home owners Association have a 5-year plan to move us forward. This plan is the start of making Wilderness Park better again for all of its members.

- Let's start with road improvement as the road committee has stated we have made improvements to the roads and plan to keep with that trend until all roads have been improved to a standard of acceptability. Starting with the main road and work out to less traveled roads. With around 2 to 5 miles a year.
- Clubhouse improvements recent examples of are: New key card system, new windows on west side, new flooring, lighting, furnace in bathrooms, stair covering for bathroom entrance and repairs to the deck. The new year will bring improvements such as the landscaping correction to prevent the leaking of water into the basement of the clubhouse and repairs to the tennis court.
- Installation of lighting inside and out to the storage shed.
- Amendments to the bylaws and covenants.
- Repairs to your deteriorating pool.

Please be patient with the progress as we only have a limited amount of money to go around with the amount of dues collected every year. We all see a very small improvement on the big picture. With your help, we can do more and see more improvements.



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June 26, 2019

Jeff Zabinski, President  
Wilderness Park Home Owners Association  
8193 Meadow Lake Road Southwest  
Motley, MN 56466

Re: Wilderness Park Home Owners Association  
Sale of Ski Hill (Outlot H, 6<sup>th</sup> Addition)  
Our File No. 18-9141.01

Dear Mr. Zabinski:

Pursuant to your request, I have examined the title to the following described property:

Outlot H, Wilderness Park Estates 6<sup>th</sup> Addition, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Cass County, Minnesota.

The above described parcel is currently owned by the Wilderness Park Home Owners Association, and is located within Wilderness Park Estates. The parcel was deeded to the Home Owners' Association on March 29, 1977. In addition to my review of the Cass County Recorder's records, I also reviewed all relevant declarations and restrictions which might relate to Outlot H. The original plat was recorded on March 30, 1972, and the first two additions to Wilderness Park Estates were recorded on September 26, 1972. Additions Three and Four were added on November 29, 1972. Addition number Five was added on August 16, 1973, and finally Addition Six was recorded on October 10, 1974. Because the property in question was contained within the Sixth Addition, I had no cause to examine the further additions.

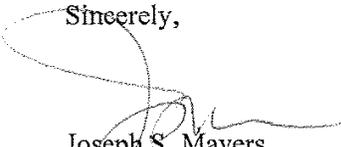
Because the property was platted as part of Wilderness Park Estates, it would be governed under any applicable declarations or restrictions. The Declaration of Covenants, Conditions and Restrictions for Wilderness Park Estates was recorded on June 18, 1976, along with the Declaration of Protective Covenants for Wilderness Park Estates, A Real Estate Subdivision, which was recorded on the same date. In addition to both of the restriction documents, I have also reviewed the Bylaws of Wilderness Park Homeowners Association.

My inquiry into all of the above documentation was for the purpose of determining what, if any, restrictions apply to the sale or transfer of Outlot H, Sixth Addition. As with all common interest communities, the most restrictive parcels are those defined as "Common Properties" which are designed for the benefit of all lot owners. The Bylaws define such Common Properties in Article II, paragraph 3, as all property described as common property in the Declaration. The Declaration of Protective Covenants applies to all property in the Association but does not define or reference common property. However, the Declaration of Covenants, Conditions and Restrictions does specifically define which lots are to be considered common property. Article 1, paragraph c, defines Outlot "C", Wilderness Park Estates Second Addition as the Common Property. The same paragraph provides that additional property may be designated as "Common Property" in the future by supplemental declaration. I have examined the entirety of the Cass County Recorder's record and there has been no supplemental declaration recorded which affected Outlot H.

Therefore, in my opinion, there are no restrictions placed upon the Association's ability to sell Outlot H. The sale of Outlot H is legal, identical to the sale of any other lot contained within the Park which is owned by the Association, with the exception of Outlot C, Second Addition (the identified "Common Property"). That being said, Outlot H, like all other lots is still subject to the Declaration of Protective Covenants which deal mainly with the roadways and use of property.

Please contact my office if you have any question or concerns.

Sincerely,



Joseph S. Mayers  
Attorney at Law

JSM/kcl