

I am in support of HF856 to create an ombudsman office for HOA homeowners.

Dispute Resolution tactics often include bullying or intimidation or other forms of abuse without justification or even making sense

- Before I learned they were all appointed by the management company, I asked my board to consider changing management companies. This resulted in a letter from Nancy Polomis (an attorney with Helmuth and Johnson) at the request of FirstService Residential telling me I am not allowed to talk to the board without FSR's permission.
- I know a homeowner in Blaine who got permits from the city to remodel his kitchen and the board came in and ripped out the work because he didn't use one of their contractors.
- I know of a homeowner in St. Cloud where they didn't have a HOA for over 17 years until the city sold surrounding properties to an investor and they weren't given a choice to be included. Even the management company who is now collecting their dues admits the existing homeowners didn't want to be a part of the HOA.
- I know of a homeowner in Eden Prairie where the police told her they would need to get permission from the board to enter her property.
- Attached is Monica's story. She is a disabled homeowner in Eagan. Please remember that this is her property and there were no costs incurred to the association for building the shed or for maintaining it. Other homes have sheds, but they became obsessed with hers and continue to make her life miserable simply because she wanted to be able to take care of her own property.

Now they are increasing the dues for everyone to pay the attorney fees incurred with the HUD investigation. Note that it is the attorney on the board of directors whose law firm is charging these fees. They are also not being completely truthful about it by not talking about it as an "investigation." There was no lawsuit because they insisted on getting her medical records and she rightly refused to provide them to the board. There was no justification for their request, just as there would be no accountability for how they would use her personal information, either.

I asked one of the city councilmembers why they would issue a permit and then throw the homeowner under the bus by letting the HOA override their authority. After some hemming and hawing, the response was "we don't check addresses when we issue permits." It makes no sense, but it also makes no sense that the mayor would find this kind of abuse happening in a neighborhood the city created to be acceptable, either.

This is the kind of nonsense you won't hear CAI call wrong. They are dismissive and downplay the harm to homeowners and considers collateral damage to be an acceptable part of their "industry standard." However, it is the exact reason why there needs to be an option for being able to go to a third party. Abuse only gets its power when the abuse is kept in the dark.

Thank you for choosing to believe that homeowners matter.

Becky A Cole



The situation:

This homeowner is disabled.

The purpose of the shed is to store a riding mower so she can take care of her lawn. The shed is on her property.

They got approval from the city to have the shed. The bylaws don't prohibit it.

The board decided the city was wrong to approve the shed and forced her to remove it. They have stood in the street taking pictures of her in her yard to somehow "prove" she is not disabled.

They have caused the homeowner to spend thousands of dollars to defend what should be her right to have this on her property. Yet, the attorney on the board of directors has been able to financially benefit from this by submitting billable hours for his work.

In any other world this would be an ethics violation as well as a conflict of Interest, but the board chair supported it happening.

The attorney wanted to bill them \$3,000 in retaliation for filing a fair housing complaint because he felt they didn't do it in "good faith".

Retaliation for filing the complaint is supposed to be against the law, but the city is refusing to consider retaliation against a homeowner in a neighborhood they created to be wrong.

The HOA board is not medically qualified to decide on what constitutes a valid disability, but they still are able to claim they have approval from the city to make that determination.

They have not provided any entihcal, legal or other justification that even comes close to making sense, yet the board stands firm in their right to make a choice to harm her based on ego, rather than any kind of rational sense.

Fall Reminders from the Wildflower Homeowners Association Board



Wildflower Neighbors,

Fall is in the air! The kids are back to school, a sense of routine will slowly fill our daily lives again. As routine starts to set in again, the Wildflower Homeowners Association (HOA) Board would like to take this opportunity to remind everyone of some of the provisions of the HOA Declaration of Covenants (<https://wildflowerneighborhood.com/covenants/>).

These provisions can be located in the HOA Declaration of Covenants, Article VIII (Prohibited Uses):

- **Signs** – According to Article VIII, Section 5 (Signage), no signs can be placed on any property without the consent of the Board, with few exceptions (ie: for sale, in ground fence, or security).
- **Yard Waste/Rubbish** – According to Article VIII, Section 8 (Nuisances), please make appropriate disposal (removal from your property) of yard waste/rubbish – to include refuse piles, leave piles, broken branch/scrub wood piles, extra materials from home construction projects, etc.
- **Trailers, Boats, Campers, Motorized Sporting Equipment** – According to Article VIII, Section 9 (Storage), the storage of the above mentioned items is prohibited in the Wildflower HOA. The Board does recognize that situations arise when the temporary placement is necessary (ie getting the boat/camper/snowmobile/etc ready for its next adventure), if you require extended storage of your equipment outside your garage, please notify the HOA Board for approval. There are additional prohibitions of certain items based on Section 9, please take a look for additional designations.
- **Fences, Walls & Hedges** – According to Article VIII, Section 11 (Fences, Walls & Hedges), the Wildflower HOA **DOES NOT** allow fences, walls or barrier hedges (used in the same manner as a fence/wall). The HOA Board has approved exceptions to this rule to allow homes along the Blvd or on one side of a patio/deck to make a proposal for a 2-panel privacy wall. Outside of those previously approved walls, no other fences/wall/privacy panels/hedges are approved within the HOA.

If you currently have such items on your property, the Board asks you remove them as soon as possible.

The HOA Board recognizes there are additional prohibitions within the Declaration of Covenants; we see the above as significant items to address. That said, if as a homeowner you see another type of violation you believe needs to be addressed, please bring it to the Board's attention.

Dog waste – reminder that it is the dog owner's responsibility and the right thing to do!

President, Alan Catchpool (alcatchpool@gmail.com)
Vice President, Linda Quinn (quinda5924@gmail.com)
Treasurer, Alli Rieger (allison.rieger12@gmail.com)
Secretary, Tim Maher (TMaher@gamlaw.net)
Member at Large, Chad Bailey (chad.b.bailey@gmail.com)

The General Wildflower HOA email is another way to connect with the HOA Board: wildflowerhoa.mn@gmail.com

Notice this letter says the board can make exceptions.

The Issues Part 1:

- **The nature of the relationship with the City of Eagan:**

This letter from the board chair references the CCRs and, as such, implies they are an agent of the municipality with the purpose of enforcing the rules.

However, they can provide no evidence of a formal contract between them and the city.

The city established the association and financially benefits from it, but takes no responsibility for the conduct of board.

The city has never formally denied that the board is an agent of the city.

When the city approved the shed, they agreed to let the association override their authority.

From their website: Eagan's Nondiscrimination Policy

The City of Eagan is committed to the policy that all persons have equal access to its programs, services, activities, facilities, and employment without regard to race, sex, creed, religion, national origin, age, marital status, disability, political affiliation, sexual orientation, or status with regard to public assistance.

This doesn't apply to the neighborhoods they create.

From their website: The City of Eagan is committed to complying with the Americans with Disabilities Act ("ADA") and the Minnesota Human Rights Act ("MHRA") in city facilities, parks, and right of way.

The city created the HOA, but won't apply this to homeowners.

- **The nature of the relationship with the homeowners:**

The letter implies their belief is that the relationship with the homeowners is that of a feudal lord/servant nature.

However, the place where this is muddy is that by virtue of the CCRs, the city is still the owner of the property and the board isn't.

The letter states the board is able to make exceptions to the content of the CCRs, but never provides any indication of what criteria they will use to ensure the choices they make are fair and consistent.

The bylaws can be changed on their whim.

Minnesota law says they don't have to follow the bylaws.

The city says what they do with the CCRs is up to them and doesn't care whether or not the CCRs are followed

The Issues Part 2:

Here is the business registration from the Secretary of State's office. Notice there are multiple instances of involuntary dissolution, but the one most noticeable is the one that lasted for 10 years. The city of Eagan didn't require the association to have the proper status of a legitimate business, yet they continued to function as though they were.

This kind of thing leaves homeowners susceptible to a wide variety of ways to be exploited without the homeowners even being aware of it.

In 2019, the articles of incorporation were amended by the board of directors. The city of Eagan didn't object to this.

Councilmember Cyndee Fields once told me that contracts involving HOA cannot be changed, but refused to explain why or what made that true. Changing the articles of incorporation is a change in the nature of the relationship with the city.

Minnesota Business Name
Wildflower Homeowners Association, Inc.

Business Type
Nonprofit Corporation (Domestic)

MN Statute
317A

File Number
1J-197

Home Jurisdiction
Minnesota

Filing Date
06/08/1993

Status
Active / In Good Standing

Renewal Due Date
12/31/2025

Registered Office Address
977 Trillium Court
Eagan, MN 55123
USA

Registered Agent(s)
(Optional) Currently No Agent

President
Alan Catchpool
985 CONEFLOWER CT
EAGAN, MN 55123-3978
United States

Filing History

Renewal History

Select the item(s) you would like to order: [Order Selected Copies](#)

<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	06/08/1993	Original Filing - Nonprofit Corporation (Domestic)	
	06/08/1993	Nonprofit Corporation (Domestic) Business Name (Business Name: Wildflower Homeowners Association, Inc.)	
<input type="checkbox"/>	12/13/1995	Registered Office and/or Agent - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	12/31/1996	Registered Office and/or Agent - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	05/22/2001	Amendment - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	11/25/2002	Registered Office and/or Agent - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	01/14/2003	Registered Office and/or Agent - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	09/20/2005	Involuntary Dissolution - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	5/4/2015	Annual Reinstatement - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	3/8/2018	Involuntary Dissolution - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	4/15/2018	Annual Reinstatement - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	11/14/2019	Amendment - Nonprofit Corporation (Domestic) Restated Articles	
<input type="checkbox"/>	2/19/2020	Involuntary Dissolution - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	3/2/2020	Annual Reinstatement - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	2/22/2024	Involuntary Dissolution - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	5/24/2024	Annual Reinstatement - Nonprofit Corporation (Domestic)	

What Is HOA Selective Enforcement?

Selective enforcement is the unfair and discriminatory application of HOA rules against particular residents. In other words, selective enforcement occurs when the HOA board members enforce the rules against specific homeowners while treating others differently. For example, the HOA may fine one homeowner for leaving their holiday lights up too long while allowing other homeowners to keep their lights up with no penalties. This could be selective enforcement.

Whether or not the HOA is liable for selective enforcement depends on the facts of the case, making it complicated for most people. An attorney can examine your case and provide tailored advice and representation. Considering the sensitivity and seriousness of such cases, adequate preparation is crucial before taking any step.

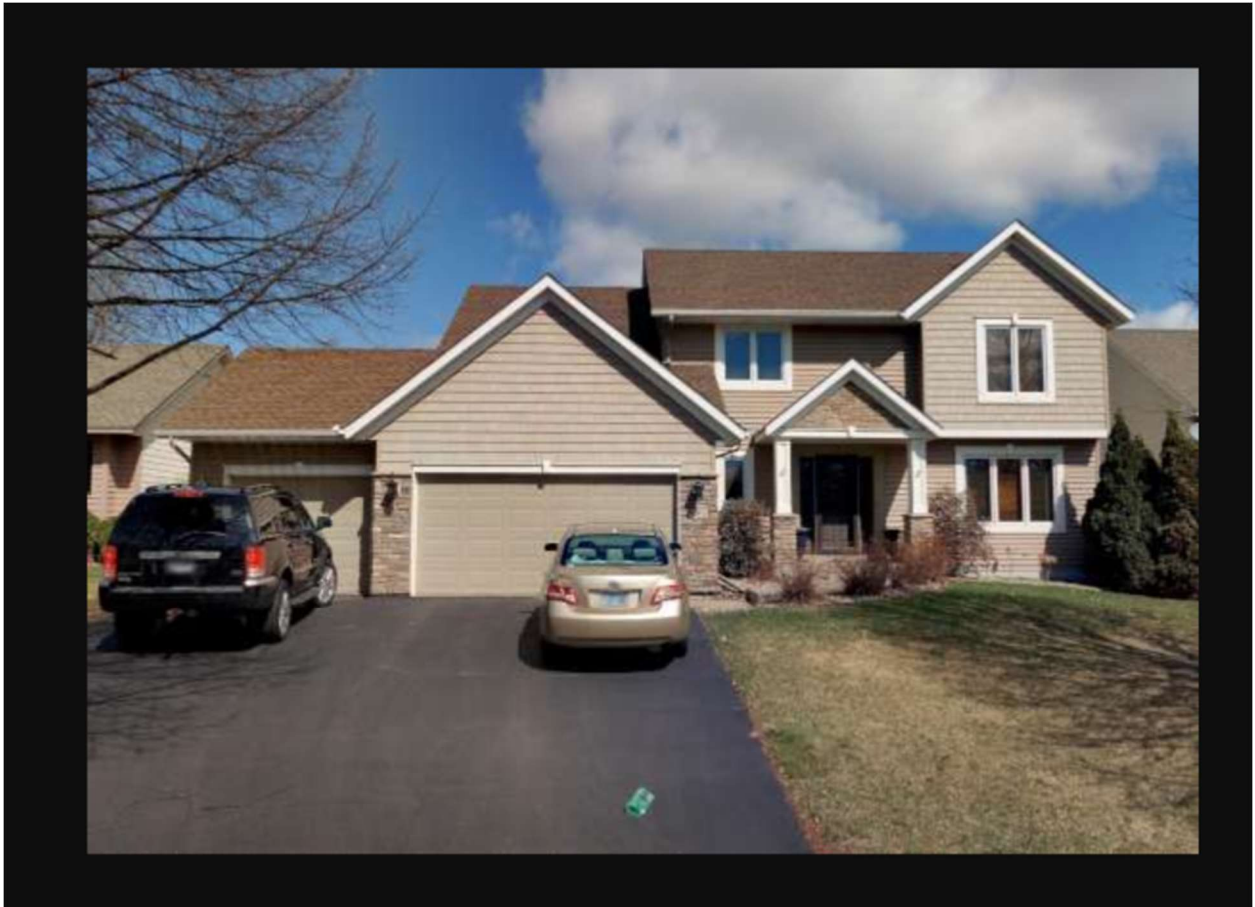
Common Examples or Signs of Selective Enforcement by HOAs

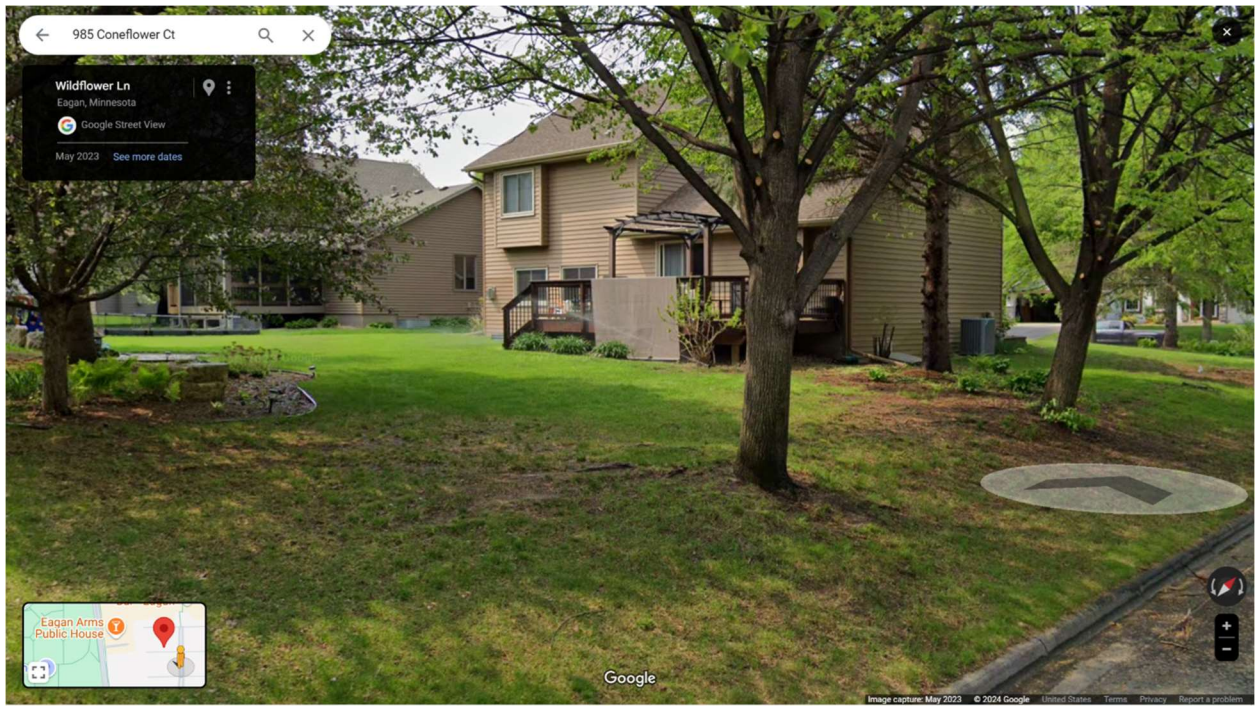
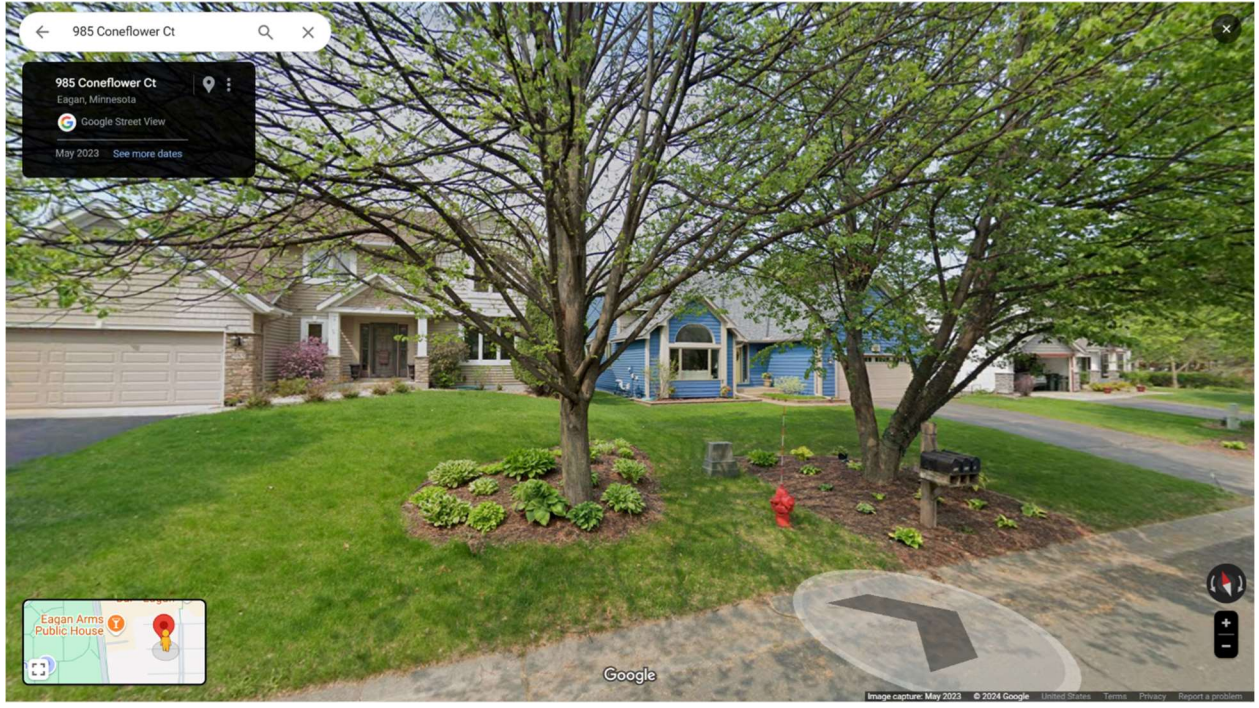
The following are indications of selective enforcement by the HOA:

- **Inconsistent enforcement:** This occurs when the HOA enforces the rules against some residents while disregarding others for similar violations.
- **Targeting specific individuals:** This occurs when the HOA consistently targets specific residents or groups within the community while ignoring others.
- **Retroactive enforcement:** This occurs when the HOA enforces the rules retroactively against certain residents for previously overlooked actions.
- **Inappropriate fines and penalties:** Sometimes, the HOA imposes harsher fines and penalties on some residents compared to others for similar violations.
- **Selective response to complaints:** Another common sign is when the HOA addresses complaints or concerns from some residents promptly while delaying or ignoring those from others.
- **Lack of transparency:** This occurs when the HOA is not transparent about why it makes certain decisions against specific individuals.
- **Personal bias:** In some cases, enforcement decisions seem influenced by personal relationships and prejudices instead of objectively applying the rules.
- **Excessive scrutiny:** When the HOA subjects particular residents to excessive scrutiny or frequent inspections compared to others in the community, that could suggest selective enforcement.
- **Failure to follow procedures:** Some HOAs ignore established procedures or bylaws when enforcing rules, leading to arbitrary decisions.
- **Inflexibility:** Some HOAs refuse to consider extenuating circumstances or make exceptions for valid reasons when enforcing rules against certain residents.

Pictures From the Neighborhood

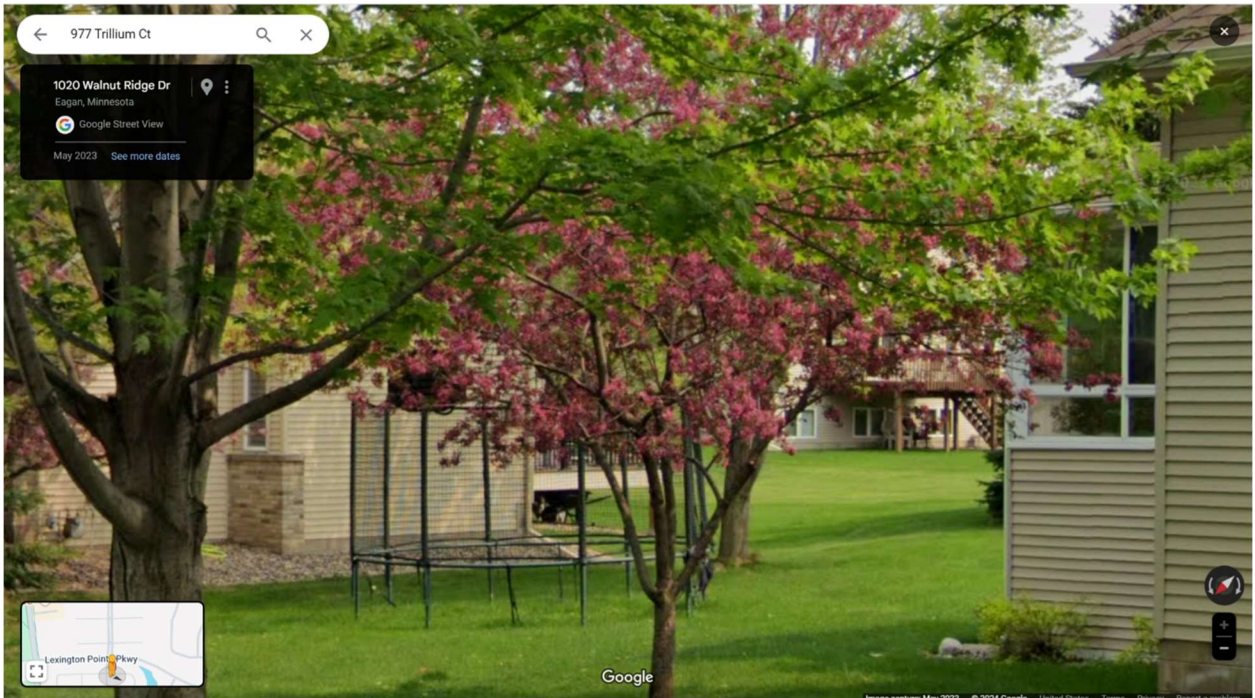
These are mainly to show that there is a variety of types of houses in the association. The board can't claim a justification for wanting uniformity when uniformity already doesn't exist. Houses are different in design, garages are different, colors are different, and even the paving on the driveways and street varies from block to block.





While the won't provide a justification for their unwillingness to allow a disabled homeowner to have a shed would enable her to enjoy an enhanced quality of life on her own property and are unwilling to provide a justification for their rationale that this will somehow harm the neighborhood, these are pictures from other homes of things that they do allow without question:





Wildflower Homeowners Association

March 20, 2025

Notice of upcoming meetings

The Wildflower HOA Board has schedule two (2) upcoming meetings:

Tuesday April 8, 2025

Tuesday, May 13, 2025 (This will be the date for the Annual Meeting)

**BOTH MEETINGS WILL BEGIN AT 6:30 P.M
AT THE FOLLOWING LOCATION:**

**Dakota Hills Middle School, Lecture Room A
4183 Braddock Trail, Eagan**

**WE WILL CONTACT RESIDENTS USING THE EMAIL DIRECTORY AND REACH OUT
TO THOSE WITH NO LISTED EMAIL ADDRESS.**

Agenda items for Tuesday, April 8, 2025:

- 1) Vote to approve increasing the annual dues to \$240 / year**
- 2) Call for nominations for upcoming HOA Board election held at Annual Meeting May 13, 2025**

AGENDA ITEM DETAILS:

- 1) Vote to approve increasing the annual dues to \$240 / year**

Our current bank balances as of March 20, 2025

Checking: \$479.34

Savings: \$5018.57

As everyone is aware, we had significant legal expenses of \$13,252.85 in our efforts to defend the HOA during the HUD lawsuit brought forward by one of our residents. Even though the resident eventually dropped the lawsuit, the HOA is still responsible for the expenses. We have paid \$5000 towards this bill, but we still have an outstanding balance of \$8252.85

Other major expenses we foresee are removal of ash trees in the center island areas. We have tried to give the ash bore treatment in the past (cost of \$1120) but the trees are continuing to decline and eventually will need to be removed. The cost of tree removal can be anywhere from \$800 - \$1400 per tree and we want to start getting the money to be able to remove the trees before they fall and cause damage to property.

Finally, we want to start replenishing and updating the plantings on each island. The Deerwood neighborhood has a budget item each year and updates 1 island per year in their area. Many of our plantings are old and the Board believes it would be good to have a process to revitalize the look of the islands.

Given these major expenses along with our regular maintenance expenses, the Board has recommend increasing the dues to \$240 annually. A vote is needed by the members in attendance of the meeting to be held Tuesday, April 8, 2025. We want to do this vote ahead of the annual meeting so we can set and publish the budget for the upcoming year. The most the Board can raise the dues without a vote would be an additional \$10. Dues would be raised to \$180 if the vote to increase does not pass.

Per the Wildflower HOA Amended and Restated Declaration and Covenants
Article IV - Assessments

Section 3. Levy of Annual Assessments. The annual assessment must be fixed at a uniform rate for each Lot. The annual assessment shall be due and payable at the annual meeting which shall be held each May. The annual assessment shall be levied by the Board, based upon a proposed budget. The annual assessment may be increased, without a vote of Membership, by the greater of (a) \$10.00 per Lot; or (b) the percentage increase, if any, over the twelve-month period preceding the year for which such annual assessment is levied, in the Consumer Price Index, all items, published by the United States Department of Commerce, Bureau of Labor Statistics, for the region including Eagan, Minnesota; provided that the costs of garbage removal service shall always be in addition to such increases. In order to increase the annual assessment more than the maximum amount established in this Section, a vote of 67% of the votes of the members cast by the members present, in person or by proxy at a meeting of the Association called for that purpose shall be necessary. The Board shall fix the amount of the annual assessment in an amount not in excess of the maximum. The annual assessment for each year shall be fixed, and written or electronic notice provided to each Owner at least thirty (30) days prior to the date on which the assessment is due. Failure to provide such notice, however, shall not render the assessment invalid.

2) Call for nominations for upcoming HOA Board election held at Annual Meeting May 13, 2025

There will be 3 open positions to vote on this year as noted below:

Alan Catchpool – Term expires June 1, 2025

Tim Maher – Term expires June 1, 2025

John Mangan – Term expires June 1, 2025 (John is currently filling in the remainder of Allison Rieger's term)

Linda Quinn – Term expires June 1, 2027

Chad Bailey Term expires June 1, 2027

The election this year will be for two (2) three year term positions and one (1) one year term position. This will get us back in sync with how the initial bylaws were set up and build better continuity of Board membership.

ALL NOMINATIONS TO BE CONSIDERED FOR THE UPCOMING BOARD ELECTIONS MUST BE MADE AT THIS MEETING (ON APRIL 8, 2025) OR BE SUBMITTED VIA EMAIL TO THE BOARD AT wildflowerhoa.mn@gmail.com .

NO NOMINATION WILL BE ACCEPTED AFTER APRIL 12, 2025.

The Board will then reach out to each nominee and get a short background statement from each and distribute these to all HOA members prior to the annual meeting on May 13, 2025.

For any questions, please contact a board member:

President, Alan Catchpool (alcatchpool@gmail.com)

Vice President, Linda Quinn (quinda5924@gmail.com)

Treasurer, John Mangan (manganj1@msn.com)

Secretary, Tim Maher (TMaher@gamlaw.net)

Member at Large, Chad Bailey (chad.b.bailey@gmail.com)