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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0466**

Daniel Francis Link,
Appellant,

vs.

Jeffrey Hidde, et al.,
Respondents,

Itasca Driftskippers Snowmobile Club, Inc.,
Respondent,

Personnel Dynamics, LLC,
Respondent.

**Filed September 8, 2025
Affirmed
Ross, Judge**

Itasca County District Court
File No. 31-CV-23-2435

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Considered and decided by Ross, Presiding Judge; Larkin, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

ROSS, Judge

James David Link (JD) was driving a snowmobile on a trail managed by Itasca Driftskippers Snowmobile Club Inc. when he collided with a trail-grooming machine operated by Driftskippers worker Jeffrey Hidde, pinning JD beneath the machine and killing him by traumatic asphyxia. The trustee for JD's next of kin, Daniel Link, sued Hidde and Driftskippers in a negligence action that the district court dismissed by summary judgment on statutory-immunity grounds. Link appeals, arguing among other things that Hidde and Driftskippers are not entitled to statutory or official immunity. Because the Municipal Tort Claims Act immunizes Driftskippers and because Hidde is entitled to official immunity for Driftskippers' trail maintenance on behalf of Itasca County, we affirm.

FACTS

Because this appeal arises from the district court's dismissal by summary judgment, we base our review on the mostly undisputed facts construed in the light most favorable to Daniel Link as the party against whom summary judgment was entered. *See Warren v. Dinter*, 926 N.W.2d 370, 374–75 (Minn. 2019); Minn. R. Civ. P. 56. The Itasca Driftskippers Snowmobile Club Inc. is a nonprofit organization that maintains and grooms more than 72 miles of snowmobile trails over both public and private land, receiving funding from a grant-in-aid program administered by the state under a sponsorship agreement with Itasca County.

James David Link (JD) was snowmobiling in March 2023 with his father and nephew outside of Grand Rapids on a trail managed by Driftskippers. Near dusk, JD was rounding a corner at about 20 to 30 miles per hour when he suddenly encountered a trail-grooming machine that was moving toward him at about 5 miles per hour. Jeffrey Hidde, a Driftskippers worker, was operating the machine on the left side of the trail—the same side where JD’s snowmobile was traveling. He was smoothing the bend where snow would typically get “burnt up.” Both men turned in the same direction, trying to avoid colliding. JD braked and “went sideways,” slamming into the blade of the groomer and disappearing from Hidde’s view. Hidde tried to stop the brakeless groomer by running it into a tree before enabling an emergency stop function. He opened his driver’s side door looking for JD, but a branch prevented him from exiting.

JD was pinned beneath the groomer’s tread. The two other snowmobilers arrived and urged Hidde to reverse the machine to move it off of JD, who was conscious and moving his arms. JD’s father, who had seen the collision, threw open the groomer’s passenger door and insisted that Hidde “get it off him.” Hidde was still unaware that JD was under the groomer, and when he finally learned of it, he began a sequence of operations trying unsuccessfully to restart the machine. JD’s nephew had called 9-1-1, and Hidde answered questions asked by the emergency dispatcher, explaining the group’s location on the trail. JD’s father suggested that Hidde use the groomer’s blade to lift the machine off JD. The attempt failed.

Hidde phoned Driftskippers colleagues, trying to understand how to restart the machine. He eventually reached Driftskippers’ trail-grooming coordinator, who tried to

calm Hidde and walk him through the restarting process. The coordinator asked Hidde if the groomer's door was open and informed him that it had to be closed. Hidde implored the two snowmobilers to shut the passenger door, and he closed it himself when they didn't respond. Hidde then restarted the groomer and backed it off of JD.

More than ten minutes had passed since the collision, and JD was no longer conscious. The medical examiner pronounced him dead that evening, reporting his time of death as 6:01 p.m., about a half hour after the last of two emergency calls, and recorded the cause of death as traumatic asphyxia. An expert witness later opined that his injuries from the collision were not immediately fatal and that removing the groomer sooner would have prevented his death.

Daniel Link, on behalf of JD, sued Hidde, Driftskippers, and two other entities whose liability is not at issue on appeal, alleging wrongful death by negligence. Hidde testified by deposition about his training and trail-grooming procedures. Hidde said that he had been only informally trained by Driftskippers but that he had been grooming trails for over 40 years. He had been directed by the trail-grooming coordinator on the day of the accident to groom the trail. He walked around and checked the groomer midway through his grooming that evening. He said he was unaware of any policies Driftskippers had about operating groomer vehicles on the left side of a trail, explaining that he would groom trails where they needed grooming.

All defendants moved for summary judgment. The district court granted summary judgment dismissing Link's complaint, determining that Driftskippers was immune from liability because it had a reduced duty of care under Minnesota Statutes sections 604A.20–

.27 (2024) and that Hidde was immune from suit under Minnesota Statutes section 466.03 (2024). Link appeals.

DECISION

Link appeals from the district court’s summary-judgment decision. The district court should grant summary judgment when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. Minn. R. Civ. P. 56.01. On appeal, we determine *de novo* whether there are genuine issues of material fact and whether the district court erred in applying the law. *STAR Ctrs., Inc. v. Faegre & Benson, L.L.P.*, 644 N.W.2d 72, 76–77 (Minn. 2002). We turn to Link’s arguments that Hidde owed JD a common-law duty of care, that Driftskippers is not immunized under Minnesota Statutes section 466.03, and that Hidde is not protected by official immunity.

I

We first address the threshold question of whether Hidde owed JD a duty under the common law, as a negligence claim requires “the existence of a duty of care.” *Domagala v. Rolland*, 805 N.W.2d 14, 22 (Minn. 2011). The undisputed facts reflect that JD died because of his continued pinning beneath the groomer, which Hidde operated and failed to quickly remove from JD. The primary focus of Link’s allegation is that Hidde negligently failed to remove the groomer after JD became pinned under it. Negligence law “imposes a general duty of reasonable care when the defendant’s own conduct creates a foreseeable risk of injury to a foreseeable plaintiff.” *Id.* at 23. We reject the idea that Hidde, absent immunities, could not as a matter of law have a duty to move the groomer off JD. We instead address the issues of statutory and common-law immunity.

II

Link argues that Driftskippers is not protected by statutory immunity. Whether immunity applies is a legal question we review *de novo*. *Kariniemi v. City of Rockford*, 882 N.W.2d 593, 599 (Minn. 2016). The Municipal Tort Claims Act, Minnesota Statutes sections 466.01–.15 (2024), provides statutory immunity for cities, counties, towns, and other quasi-governmental entities. *See* Minn. Stat. §§ 466.01, subd. 1, 466.03. “Statutory grants of immunity are narrowly construed” and “rest in the notion that the judicial branch of government should not, through the medium of tort actions, second-guess certain policy-making activities that are legislative or executive in nature.” *Hoff v. Surman*, 883 N.W.2d 631, 634 (Minn. App. 2016); *cf. Nusbaum v. County of Blue Earth*, 422 N.W.2d 713, 718 (Minn. 1988). This immunity for cities extends to organizations that receive state trail-assistance-program funds “for activities associated with the administration, design, construction, maintenance, and grooming of snowmobile trails.” Minn. Stat. § 84.83, subd. 4(a) (2024). Driftskippers is one of those organizations.

Link first argues that Driftskippers is not entitled to summary judgment because a fact dispute exists as to whether the groomer constituted a hidden danger at the time and location of the collision, rendering Driftskippers liable under the duty of care it owes to trespassers. Link is correct that landowners are liable to trespassers for hidden dangers. *Lishinski v. City of Duluth*, 634 N.W.2d 456, 458–59 (Minn. App. 2001) (citing Restatement (Second) of Torts § 335 (Am. L. Inst. 1965)), *rev. denied* (Minn. Jan. 15, 2002). And the relevant part of the Municipal Tort Claims Act does not preclude liability that would entitle a trespasser to relief. Minn. Stat. § 466.03, subd. 6e. But Driftskippers

has invoked the protections of Minnesota Statutes section 604A.25. *See Kastner v. Star Trails Ass’n*, 658 N.W.2d 890, 895–96 (Minn. App. 2003) (applying section 604A to a snowmobile-trail association similar to Driftskippers), *rev. denied* (Minn. June 30, 2003). That statute limits trespasser causes of action for those who enter land for recreational trail use:

Except for [willfully taking action to cause injury], a person may not maintain an action and obtain relief at law for conduct [which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of] if the entry upon the land is incidental to or arises from access granted for the recreational trail use of land dedicated, leased, or permitted by the owners for recreational trail use.

Minn. Stat. § 604A.25. “Recreational trail use” is “use on or about a trail, including . . . snowmobile riding.” Minn. Stat. § 604A.21, subd. 6. The undisputed facts establish that JD’s entry onto the land arose from the access he and the public were generally granted to ride snowmobiles. He therefore may not maintain an action and obtain relief from Driftskippers for the alleged hidden danger that could create trespasser liability.

Link argues also that neither Driftskippers nor Hidde is immune from liability for Hidde’s allegedly negligent postcollision conduct leading to the delay in removing the groomer from pressing on JD. The provision of the Municipal Tort Claims Act that applies is the section concerning parks and recreation areas, which immunizes a municipality against the following:

Any claim based upon the construction, operation, or maintenance of any property owned or leased by the municipality that is intended or permitted to be used as a park, as an open area for recreational purposes, or for the provision of recreational services, or from any claim based on the

clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, if the claim arises from a loss incurred by a user of park and recreation property or services.

Minn. Stat. § 466.03, subd. 6e. Link maintains that this provision does not apply here because Hidde's alleged postcollision negligence was not a "recreational" activity under the statute. The argument is not convincing. Both the collision that injured JD and the removal of the groomer after the collision involved "the . . . operation, or maintenance of [a] property owned . . . by [a] municipality that is . . . permitted to be used . . . as an open area for recreational purposes" and also involved the "creation of trails or paths without artificial surfaces" while JD was using the recreational property. Link's claim of negligence arising from the groomer's use therefore fails under the plain reading of the statute.

Link concedes that his claim arose "in the general context of recreational activity," but he asserts that Hidde's negligent attempts to reverse the groomer did not constitute "construction, maintenance, operation, creation, or grooming" of snowmobile trails. *See id.*, Minn. Stat. §84.83, subd. 4(a); *see also Kastner*, 658 N.W.2d at 894 (interpreting "creation of trails or paths" to encompass "signage, maintenance, and other ongoing acts required to keep the trails open and in use.")). He bases this assertion on the theory that Hidde became burdened with a distinct common-law duty once his trail-grooming activities had ceased and a "new intervening emergency had come into existence." But the groomer was atop JD only because Hidde collided with him while he was grooming the trail. The emergency unquestionably arose from and commenced during Hidde's trail maintenance. Link's claim is precisely "based upon the . . . operation[] or maintenance" of recreation-intended property. Minn. Stat. § 466.03, subd. 6e. His argument is therefore not convincing.

We add that Link’s argument is also unconvincing because recreational property in the context of subdivision 6e includes “fixtures to real estate, movable equipment, or safety equipment.” *See Prokop v. Indep. Sch. Dist. No. 625*, 754 N.W.2d 709, 714 (Minn. App. 2008). The *Prokop* court applied our previous cases to conclude that a movable pitching screen designed to protect people from baseballs constituted “recreational property” because it “facilitate[d] use of recreational [real] property.” *See id.* Similarly here, the claim is “based upon the . . . operation . . . of any property”—namely, the grooming machine as the instrument of JD’s injuries—that is “used . . . for the provision of recreational services.” *See* Minn. Stat. § 466.03, subd. 6e. Because the groomer qualifies as property under the statute, the distinction between Hidde’s grooming activities and his attempts to move the groomer does not determine whether the statute’s immunity protection applies.

We are not persuaded otherwise by Link’s appeal to precedent. Link points to *Ayers v. Kalal*, which involved a city snowplow that was not plowing snow when it collided with a van. 925 N.W.2d 291, 293–94 (Minn. App. 2019). We concluded that the city was not immune under the then-effective (and identical) version of Minnesota Statutes section 466.03, subdivision 4(a), which offered immunity for “[a]ny claim based on snow or ice conditions on any highway or public sidewalk . . . except when the condition is affirmatively caused by the negligent acts of the municipality.” *Id.* at 295–96 (quotation omitted). *Ayers* is inapposite because subdivision 6e, unlike subdivision 4(a), contains language granting immunity for “[a]ny claim” based on operation or maintenance of recreational property, without an exception for “affirmatively caused” negligence, and is not limited to a claim based on land conditions. *Compare* Minn. Stat. § 466.03, subd. 4(a),

with Minn. Stat. § 466.03, subd. 6e. More apt authority analyzing subdivision 6e supports this distinction. In *Lloyd v. City of St. Paul*, a city worker injured park patrons when he jumped onto a paddle boat to disengage it from a dock, first jumping on one side, then leaping to the other as the boat began to tip. 538 N.W.2d 921, 922 (Minn. App. 1995), *rev. denied* (Minn. Dec. 20, 1995). We held that the employee was “engaged in the operation of a municipal park at the time he was allegedly negligent” and the city was therefore immune. *Id.* at 924. In *Habeck v. Ouversen*, a county worker ran over a child with a trailer used for a hayride, and we held that the county board was entitled to subdivision 6e immunity. 669 N.W.2d 907, 908, 911 (Minn. App. 2003), *rev. denied* (Minn. Dec. 23, 2003). We rejected the argument that subdivision 6e immunity covers only claims regarding “the real property itself and items intricately connected to realty” and instead held that “[r]ecreational-use immunity under subdivision 6e covers claims arising from alleged negligence based on the provision of recreational services and unrelated to the condition of the recreational property.” *Id.* at 910 (quotation marks omitted). Link tries to distinguish these cases, arguing that they “involved injuries arising directly out of immune recreational conduct, rather than the breach of a duty that arose independently of and subsequent to such recreational conduct.” Link’s premise is flawed: any postcollision duty of Hidde’s to JD arose directly from, and not “independently” of, his trail-grooming activity.

Link also argues that holding Driftskippers immune under subdivision 6e does not further the purpose of the immunity doctrine, because “responding to emergency situations following trail groomer collisions was [not] addressed or implicated by any policy,

decision-making, planning, or deliberative process of or by the Driftskippers.” But “[w]hen the words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.” Minn. Stat. § 645.16 (2024). By its plain language, subdivision 6e protects Driftskippers from Link’s negligence claim. And we observe that the policy objectives of statutory immunity are advanced here because Hidde’s performance in an emergency relates directly to Driftskippers’ decisions on how much to vet or train trail groomers. Because we hold that the statute immunizes Driftskippers from suit, we do not analyze the parties’ arguments on the application of Minnesota Statutes section 604A.22. We also need not address respondents’ argument that Hidde should be entitled to immunity under chapter 466 because we determine in the following section that he is shielded by official immunity.

III

We believe that Hidde may invoke official immunity for his alleged negligent conduct following the collision. Our review is, again, *de novo*. *Kariniemi*, 882 N.W.2d at 599. Official immunity is intended to protect “public officials from the fear of personal liability that might deter independent action and impair effective performance of their duties.” *Elwood v. County of Rice*, 423 N.W.2d 671, 678 (Minn. 1988). Common-law official immunity extends to individual government actors, and a contract alone does not necessarily transform an independent commercial actor into a public official. *Kariniemi*, 882 N.W.2d at 599–600. But the supreme court in *Kariniemi* extended official immunity to a contractor (a private engineering firm), determining that it was a “public official” due to its special relationship with a city and the public function of its duties. *Id.* at 601–03. We

follow similar reasoning to conclude that Driftskippers, and Hidde as its agent, may assert official immunity.

Driftskippers receives funding from a trail-assistance program administered by the DNR through a contractual relationship with Itasca County. The contract expresses the county's desire to establish a public trail to further its public recreation program, and Driftskippers agreed to construct and maintain the trail. The contract also requires any work Driftskippers does to the trail to be in accordance with an agreement between the state and the county. *See* Minn. Stat. § 84.83, subd. 3(a)(1) (2024) (setting restrictions for snowmobile grant-in-aid fund recipients). In return, the county agreed to insure Driftskippers. *Cf. Kariniemi*, 882 N.W.2d at 602 (“The particular relationship and close coordination between the City and [the contractor] here convince us that official immunity should apply to [the contractor].”). Driftskippers performs a function that is undoubtedly public in nature: maintaining recreational trails open to the public at no cost. *See Stevens v. N. States Motor, Inc.*, 201 N.W. 435, 436 (Minn. 1925) (implying that official immunity applied to officials charged with maintaining highways). And the work is public in nature, allowing statutory immunity for Driftskippers akin to a municipality under section 84.83, subdivision 4(a), for activities associated with maintaining snowmobile trails. It is true, as Link argues, that the *Kariniemi* court recognized the “long afforded official immunity to engineers and other similar officials for public infrastructure work.” *Id.* at 601. But we conclude that trail-grooming work is also public infrastructure work, and that snowmobile-trail groomers are akin to road graders and snowplow operators, which are positions that appellate courts have afforded official immunity. *Schroeder v. St. Louis County*, 708

N.W.2d 497, 506 (Minn. 2006); *In re Alexandria Accident of Feb. 8, 1994*, 561 N.W.2d 543, 549 (Minn. App. 1997), *rev. denied* (Minn. June 26, 1997). Under these circumstances, we conclude that Driftskippers operated as “an extension” of Itasca County in its maintaining snowmobile trails rather than as an independent commercial actor, and Hidde as its agent therefore may assert official immunity. *See Kariniemi*, 882 N.W.2d at 602. We determine next if Hidde’s challenged conduct is the sort of conduct protected by official immunity.

Link argues that Hidde was performing a merely ministerial duty after the collision and therefore should not be entitled to official immunity. Official immunity applies only if the official’s allegedly negligent conduct involved a discretionary act rather than a ministerial duty. *See Anderson v. Anoka Hennepin Indep. Sch. Dist. II*, 678 N.W.2d 651, 655 (Minn. 2004). A ministerial duty is “absolute, certain, and imperative, involving merely the execution of a specific duty arising from fixed and designated facts.” *Vassallo by Brown v. Majeski*, 842 N.W.2d 456, 462 (Minn. 2014) (quotations omitted). A discretionary act, by contrast, requires the exercise of individual professional judgment that reflects the professional goal and factors of a situation. *Id.* The existence of some degree of individual judgment alone is insufficient to confer immunity. *Shariss v. City of Bloomington*, 852 N.W.2d 278, 282 (Minn. App. 2014). In this framework, we must decide whether Hidde’s allegedly negligent postcollision conduct implicated a ministerial duty or involved a discretionary act.

We hold that Hidde’s challenged postcollision acts were clearly discretionary rather than ministerial. “Official immunity typically protects the conduct of public officials

responding to emergencies on the grounds that emergency conditions offer little time for reflection and often involve incomplete and confusing information so that the situation requires the exercise of significant, independent judgment and discretion.” *Vassallo*, 842 N.W.2d at 462 (quotations omitted). The undisputed facts here portray an emergency of this sort. Hidde was attempting to respond to the crisis with little time to assess where JD was positioned and to attempt to move the groomer. When he realized he was unable to reverse the groomer, he took steps to restart the machine, to lift the groomer using its blade, to respond to questions posed by a 9-1-1 dispatcher, and to phone for help. The emergency prompted Hidde to use his independent judgment to evaluate the confusing circumstances and choose a course of action. And although “[t]he existence of a government policy that sets a sufficiently narrow standard of conduct will make a public employee’s conduct ministerial if he is bound to follow the policy,” *id.* at 463 (quotation omitted), Link identifies no evidence of any specific Driftskippers policy establishing certain steps that a trail-grooming worker needed to follow in response to the emergency that Hidde faced. Hidde’s postcollision activity was discretionary. While Link focuses mostly on Hidde’s postcollision conduct, we add that his precollision decision to groom on the left side of the trail was also a discretionary one based on the record. *Cf. Schroeder*, 708 N.W.2d at 506–08 (applying immunity to a road grader’s discretionary decision to grade against traffic).

Our decision also stands against Link’s reference to *Shariss*, where we held that a “snowplow driver’s decision to drive his snowplow in reverse, when not actively engaged in snow-removal operations, involves the execution of a ministerial duty that is not protected by common-law official immunity.” 852 N.W.2d at 279. We determined in

Shariss that the driver's decision to reverse was following a simple and definite task: backing up his snowplow to make room for a school bus. *Id.* at 283. Link argues that this case is like *Shariss* because Hidde needed to take only "reasonable action to reverse the trail groomer off [JD]" based on "fixed and designated facts." But unlike in *Shariss*, the chaotic situation here demanded that Hidde rapidly evaluate new information to figure how to quickly get JD out from under the groomer. And reversing was not Hidde's only option. He in fact tried to lift the groomer with its blade. He also could have, as suggested by the 9-1-1 dispatcher, tried to dig JD out from beneath the groomer. *Shariss* is inapposite because it did not involve circumstances that arose from an emergency or determine a course from discretionary options.

Affirmed.