

VALHALLA ASSOCIATION 10 – OWNERS MEETING
MINUTES – MAY 6, 2025 – 5:30 PM – Valhalla Party Room

Welcome: Emily Mandarino, President. Meeting called to order at 5:35 pm

Roll call: Linda Castiglioni, Secretary. Roll call conducted. See attached roster. Owners present 46.7%. Quorum obtained.

Valhalla Ten Association - Amended Bylaws, dated August 9, 2022; Section 4 Meeting of Owners; Page 3; paragraph 4.5 Quorum/Adjournment. *The presence of Owners in person or by proxy, who have the authority to cast in excess of twenty percent (20%) of all votes in the Association shall be necessary to constitute a quorum at all meetings of the Owners for the transaction of any business, except that of adjourning the meeting to reconvene a subsequent time.*

President's Report: Emily Mandarino

1) **Marijuana Smoking:** Marijuana smoking in Building 10 has continued after the April 7, 2025 Owners meeting. There are significant health and safety concerns for all residents, including children that live and/or visit Building 10.

Since April 7, 2025, Owners and Occupants have reported strong marijuana odors coming from Unit 16. The marijuana odors have been permeating throughout the building since on or around October 2024 (9 months) from Unit 16. These marijuana odors are present whenever Unit 16's occupant and/or their guests are physically present.

Owners and residents have sent these issues to Valhalla management and this issue was discussed at an Owners meeting on April 7, 2025; of which Unit 16's Owner was present. On April 7, 2025, Owner's meeting, the Owner of Unit 16 stated his tenants' smoked marijuana, however, they did not smoke in Unit 16. At the April 7, 2025, Owner's meeting, Owners and Occupants of Units 15, 17 and 18 agreed to have Valhalla management enter their units whenever there was a strong odor of marijuana. The Owner of Unit 16 respectfully declined. The Owner of Unit 16 was not present at today's meeting (May 6, 2025).

Over the last 9 months there have been 91 emails, 36 written complaints and 71 text messages from Owners/Occupants of Association Ten regarding the marijuana odors coming from Unit 16.

The Owner of Unit 16 received written warning communication for marijuana smoking violations at the same time as all other Owners. The Owner of Unit 16 was present at April 7, 2025, Owners meeting where several other Owners and Occupants expressed their concerns regarding the marijuana smoking from Unit 16. The Owner of Unit 16 agreed to talk with his Tenants (Occupants) regarding the no-smoking policy, at the conclusion of the April 2025 meeting.

Unfortunately, Unit 16's marijuana smoking has not stopped resulting in additional complaints from Owners and Occupants of Building 10 since the April 7, 2025, Owners meeting.

Discussion followed on what the governing documents state regarding smoking and the process for owner violations.

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A motion was made and seconded to fine \$500 to the Owner of Unit 16 for smoking violations. Smoking fines start at \$500 with \$500 increases with each additional violation. 2nd violation will be \$1,000 fine, 3rd violation will be \$1500, etc. Discussion followed. Motion passed with a unanimous vote from all Owners present. See Appendix for governing document reference.

Valhalla Ten Association - Amended and Restated Declaration; dated August 9, 2022. Section 13

Compliance and Remedies;

Page 25; 13.2 Sanctions and Remedies. In addition to any other remedies or sanctions, expressed or implied, administrative or legal, the Association shall have the right, but not the obligation, to implement any one or more of the following actions against Owners and Occupants and/or their guests, who violate the provisions of the Governing Documents or the Act:

Paragraph d. Impose reasonable fines, penalties, or charges for each violation of the Act or the Governing Documents.

Section 6 Assessments for Common Expenses; 6.4 Limited Allocation Assessments. page 10; Paragraph d. Reasonable attorney's fees and other costs if incurred by the Association in connection with (i) the collection of assessments; or (ii) the enforcement of the Governing Documents or the Act against an Owner or Occupant or their guests, may be assessed against the Owner's Unit.

Paragraph e. Fees, charges, late charges, fines and interest may be assessed as provided in Section 515B.3-116(a) of the Act, and the same shall be treated in the same manner as assessments under Section 6.2, above.

2) **Trash in parking lot and on grounds.** Owners and occupants have been reporting the Occupant(s) and/or their guests from Unit 16 have been throwing trash from their car onto the Valhalla Ten's parking lot and on the common grounds outside Unit 16's patio area several times per week. Eyewitnesses from owners and occupants from associations 10 and 9 are reporting this behavior. Owners are requesting occupant(s) and/or their guests of Unit 16 dispose of trash in the appropriate trash receptacles. The City of Rochester Ordinance's littering fine on public property is \$750.

Valhalla Ten Association - Amended and Restated Declaration; dated August 9, 2022.

Section 7 Restrictions on Use of Property; 7.3 Use of Common Elements. Page 13; There shall be no obstruction, littering, defacement, or misuse of Common Elements nor shall anything be stored in the Common Elements except in areas designated for such storage by the Board of Directors of the Association.

A motion was made and seconded to send a warning letter to the owner of Unit 16 for trash in the parking lot and in front of the Unit 16 patio. Any further violations will start at \$250, then increase by \$250 for each new violation thereafter (\$500), then \$750, etc. Discussion followed. Motion passed with a unanimous vote from all owners present. See Appendix for governing document reference.

3) **Loud noises after the City of Rochester and Valhalla's Quiet Hours.** Owners and Occupants are reporting more than one incident of loud voices, doors slamming and other loud noises from Unit 16. The most recent incident was between 2 am and 3 am. Owners and Occupants are encouraged to call

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Rochester Police Department's non-emergency number at 507-328-6800, and report incidents. See Appendix for governing document reference.

Valhalla Ten Association - Amended and Restated Declaration; dated August 9, 2022. Section 7 Restrictions on Use of Property; Page 14; 7.8 Quiet Enjoyment; Interference Prohibited. All Owners and Occupants and their guests shall have a right of quiet enjoyment in their respective Units and shall use the Property in such a manner as will not cause a nuisance, nor unduly restrict, interfere with, or impede the use of the Property by other Owners and Occupants and their guests.

4) Speeding vehicles. Owners and Occupants are reporting speeding vehicles (reckless driving) in parking lot by occupant in Unit 16. Everyone is encouraged to call the non-emergency Rochester Police Department phone number 507-328-6800 for speeding vehicles and/or reckless driving in the parking lot. Please provide law enforcement with the license plate number and color of vehicle. The posted speed in the parking lot is 10 miles per hour.

Next Steps

Budget meetings with Board of Directors – TBD
Annual Owners' Meeting – TBD

Meeting adjourned at 6:13 pm.

Minutes respectfully submitted: Linda Castiglioni, Secretary

Minutes approved by Valhalla Ten Association Board of Directors via email on May 10, 2025

APPENDIX - Valhalla Ten Association Governing Documents – excerpts:

Valhalla Ten Association - Amended Bylaws, dated August 9, 2022

Section 4 Meeting of Owners

Page 3; paragraph 4.5 Quorum/Adjournment. The presence of Owners in person or by proxy, who have the authority to cast in excess of twenty percent (20%) of all votes in the Association shall be necessary to constitute a quorum at all meetings of the Owners for the transaction of any business, except that of adjourning the meeting to reconvene a subsequent time.

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Paragraph d. Reasonable attorney's fees and other costs if incurred by the Association in connection with (i) the collection of assessments; or (ii) the enforcement of the Governing Documents or the Act against an Owner or Occupant or their guests, may be assessed against the Owner's Unit.

Paragraph e. Fees, charges, late charges, fines and interest may be assessed as provided in Section 515B.3-116(a) of the Act, and the same shall be treated in the same manner as assessments under Section 6.2, above.

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Page 14; 7.8 Quiet Enjoyment; Interference Prohibited. All Owners and Occupants and their guests shall have a right of quiet enjoyment in their respective Units and shall use the Property in such a manner as will not cause a nuisance, nor unduly restrict, interfere with, or impede the use of the Property by other Owners and Occupants and their guests.

Page 17; 7.18 Smoking Restrictions. Except for certain designated outdoor smoking areas that the Board may in its sole discretion designate from time to time, and except as otherwise set forth herein, smoking shall be prohibited throughout the Property, including the Units, Common Elements, and Limited Common Elements. As used herein, “smoking” shall include, but is not limited to, the use of cigarettes, cigars, pipes, electronic cigarettes, marijuana, other smokable substances, and vaping devices.

Section 13 Compliance and Remedies;

Page 25; 13.2 Sanctions and Remedies. In addition to any other remedies or sanctions, expressed or implied, administrative or legal, the Association shall have the right, but not the obligation, to implement any one or more of the following actions against Owners and Occupants and/or their guests, who violate the provisions of the Governing Documents or the Act:

Paragraph d. Impose reasonable fines, penalties, or charges for each violation of the Act or the Governing Documents.

Page 26; 13.3 Rights to Hearing. In the case of imposition of any of the remedies authorized by Section 13.2 d., e., or f. of this Section, the Board shall, upon written request of the offender, grant to the offender a fair and equitable hearing as contemplated by the Act. The offender shall be given notice of the notion of the violation and the right to a hearing, and at least ten (10) days within which to request a hearing. The hearing shall be scheduled by the Board and held within thirty (30) days of receipt of the hearing request by the Board, and with at least ten (10) days prior written notice to the offender. If the offending Owners fails to appear at the hearing then the right to a hearing shall be waived and the Board may take such action as it deems appropriate. The decision of the Board and the rules for the conduct of hearing established by the Board shall be final and binding on all parties. The Board’s decision shall be delivered in writing to the offender within (10) days following the hearing, if not delivered to the offender at the hearing.