
The Reserve on Higgins Creek Homeowners Association

BOARD MEETING AGENDA

March 25, 2026

This meeting will be in the basement of the VFW

Meeting called to order at: _____

Board Members in Attendance:

| | | | | | |
|---------------|--|--------------|--|-----------------|--|
| John Williams | | Jake Kruse | | Marco Trasmondi | |
| Tony Morris | | Karen Ochoa | | Lana Trasmondi | |
| Phil Reppert | | Hans Messick | | Joe Genereaux | |

Conflicts of Interest:

Agenda and Minutes Review /Approval

Web Design/Hosting Proposal Review/Approval

Draft language amending covenants to strike multifamily residences and commercial property.
(Second Read)

Review/Update Summary of Action Items

| Task | Owner | Status |
|--|--------------|--|
| Remove monthly flyers posted on cluster mailboxes | Grounds Crew | Ongoing |
| "Children at Play" signage near park | Jake | City Park signage posted. Looking into further signage |
| Lot 43 fenced front yard | Jake | Pending further discussion with homeowner |
| Sidewalk damage on Russell near bridge | Marco | Working with City |
| Procure flexible poles and signage for marking property lines off Pintlar. | Marco | Poles are ready for placement once survey is complete - weather permitting |
| Nature Trail markings | John/Joe | Contact county for current plot map before survey - weather permitting |
| The bike path hydroseeding didn't take and is full of weeds. | John | Pending discussion with City |

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Treasurer's Report Review/Approval

Ground Committee Updates:

Architectural Committee Updates:

Items from Guests/Residents:

Items from Board Members:

Adjournment: _____

2026 Annual Meeting Items:

- Proposal to beautify development entryways
- New signage
- Budget for following year
- Topics of note: - bike path upgrades, grass clippings, removing trees, electric scooters, mailboxes, sidewalks

**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR THE RESERVE ON HIGGINS CREEK
SPEARFISH, SOUTH DAKOTA**

The Reserve at Higgins Creek Homeowners Association (HOA) would like to amend our governing covenants to remove commercial properties and multifamily units from the HOA governance. Proposed language amendments are stated below. In compliance with the Board Policy #2, *Amending Covenants or ByLaws During Non-Annual Board Meeting*, three readings are scheduled. All edits must be completed by the third meeting where adoption/denial vote is conducted.

BACKGROUND

The Reserve on Higgins Creek was developed as a cohesive residential neighborhood with a common architectural character and community standards. The original development concept contemplated a mix of housing types within the broader neighborhood footprint; however, the HOA itself was structured to govern individually owned residential lots.

In June 2024, updated Covenants were adopted that describe the HOA as consisting of single-family homes, multifamily residences, and commercial property. That description does not accurately reflect the intended governance structure of an HOA or the functional reality of this community. An HOA, by definition and operation, is an association of property owners governing deeded residential lots. Its authority, assessments, voting rights, and obligations are designed around ownership interests in homes.

Multifamily apartment properties are typically owned by a single entity and operated as rental housing. Individual apartment units are not separately deeded to resident occupants and therefore do not constitute “homeowners” within the meaning contemplated by HOA governance. Commercial properties likewise do not represent residential ownership interests and operate under different legal and insurance considerations.

Although multifamily and commercial structures may exist within the geographic boundaries of the overall development, their inclusion within the HOA’s governing description has resulted in administrative and insurance complications. Specifically, insurance carriers have classified the Reserve HOA as mixed-use due to this language. This classification has significantly limited available coverage options and made it difficult and costly for the HOA to obtain and maintain required insurance protection.

This amendment corrects the governing language to reflect the intended residential ownership model of the Association and to align the Declaration with the practical function of a HOA. The amendment does not prohibit multifamily or commercial properties within the broader neighborhood development; rather, it clarifies that such

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properties are not subject to HOA governance. The purpose of this amendment is to ensure clarity of governance, consistency with the community’s intended residential character, and the HOA’s ability to secure appropriate insurance coverage.

PROPOSED AMENDMENT LANGUAGE

Proposed Amendment to Article I, Section 1.1: “Declarant is a Homeowners Association (HOA) consisting of single family homes, ~~multifamily residences, and commercial property~~, all of which ~~that will combine~~ elements and styles which allow for flexibility while at the same time making them ideal for compatible contemporary design.”

Proposed Amendment to Article I Section 1.2: “These covenants apply to all residential property located in the HOA, with the legal description being:...”

Proposed strike to Article II, Section 2.1, paragraph O: “~~Multifamily Residence/Condominium means a physical portion of the HOA designated for separate ownership, shown as a condominium unit or lot or described as a separate parcel separately deeded.~~”

Proposed Amendment to Article II, Section 2.1 paragraph P: “Owner” means the record owner of a lot or dwelling, ~~or the owner of a unit in a multifamily residence or condominium unit...~~”

Proposed Amendment to Article VI, Section 6.1: “Membership. Each residential lot constitutes a “member” of the HOA....”

Proposed Amendment to Article VII, Section 7.1, paragraph 1: “The HOA is a community consisting of single family residential lots, ~~residential multifamily lots and commercial lots...~~”

| First Reading | Second Reading | Third Reading |
|---------------|----------------|---------------|
| Adopted | Effective | |