

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TRAILMARK METROPOLITAN DISTRICT HELD SEPTEMBER 21, 2010

A regular meeting of the Board of Directors of the TrailMark Metropolitan District (referred to hereafter as "Board") was held on Tuesday, September 21, 2010 at 6:30 p.m., at the TrailMark Learning Center, 9743 South Carr Way, Littleton, Colorado. This meeting was open to the public.

ATTENDANCE

The regular meeting of the Board of Directors of the TrailMark Metropolitan District was called and held, as shown, in accordance with Colorado law. The following directors were present:

Michael Rogers
Catherine LaClair
Sherman Steed
Richard Handley
Jack Parsons

Also present were:

Cathy Noon and Rick Kinkel; Community Resource Services
John Hendrick; Centennial Water and Sanitation District
Community Members

CALL TO ORDER

Director Rogers called the meeting to order at 6:30 p.m.

ADMINISTRATIVE ITEMS

Agenda: Ms. Noon presented the Board with the proposed agenda. Upon a motion by Director Handley and a second by Director Steed, the Board voted unanimously to approve the agenda as presented.

Minutes: The minutes of the August 17, 2010 Regular Board meeting were presented to the Board. Upon a motion by Director Steed and a second by Director Parsons, the Board voted unanimously to approve said minutes as presented.

Public Comments: Tim Strunk spoke on the community center/pool project, the TMMD By-Laws, and the Saturday

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“Coffee at the Playground”.

In regard to the “Coffee at the Playground” he would like to have the unposted meeting “remedied”. The Board read the opinion from the District’s attorney, Mr. Rowley, on required action which stated that as no “action” or “decisions” had been made, there was no action needed by the District. Mr. Strunk indicated he will take this matter up with the Department of Regulatory Affairs (DORA) despite assurances from the Board that future gatherings will be posted.

In regard to the community center/pool project, Mr. Strunk questioned whether official cancellation of the project had taken place. The Board voted previously to cancel the contracts for design and the owner representative. The Board will determine at the October Board meeting whether any further action is required.

In regard to the by-laws, Mr. Strunk pointed out that no District Board can take action that “binds” a future Board and asked that any statements to that effect be changed.

FINANCIAL ITEMS

Review and Approve Payment of Claims: After review, upon a motion by Director LaClair and a second by Director Parsons, the Board voted unanimously to approve the claims as presented.

Review Cash Position: Ms. Noon reviewed the cash position with the Board for the period ending August 31, 2010 and the Board accepted the cash position as presented.

Financial Statements: Ms. Noon reviewed the financial statements dated August 31, 2010. After review, the Board accepted the financial statements as presented.

Update on Current Bonds and 2011 Budget Options: Ms. Noon presented a draft 2011 budget to the Board. After review, the Board requested a more in depth discussion of the budget options at the October Board meeting and noted that the budget options will be posted to the website once the Board refines the various options for the mill levy.

Discussion Concerning CD Options: Ms. Noon presented the Board with a spreadsheet showing current CD rates at various institutions. The Board asked that this item be placed on the

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October Board meeting agenda to be discussed once the budget is more defined.

MAINTENANCE AND OPERATIONAL ITEMS

Field Supervisor Update:

Fish Kill & Vegetation Issue in Fairview Reservoir #1: Mr. Kinkel reported that 300 – 450 pounds of dead fish, comprised of 25 – 30 grass carp, a few bass and the balance of perch, were removed from Fairview Reservoir #1.

Ms. Noon updated the Board on the vegetation issues. Upon a motion by Director Steed and a second by Director Handley, the Board voted unanimously to approve a fall treatment to the reservoir in a not to exceed amount of \$6,200 if recommended by Ms. Leisure with Iris Mitigation. Ms. Noon will coordinate with Ms. Leisure on this issue and to obtain opinions and bids for removal of vegetation and treatments for 2011 from both Iris Mitigation and/or Aqua Sierra.

Ratify Fence Bid from Custom Fence: Upon a motion by Director Steed and a second by Director Parsons, the Board voted unanimously to ratify the bid from Custom Fence for \$1,890 to replace 14 posts.

Fence Repair/Maintenance Protocol: A discussion ensued on how repairs to the fences can be streamlined in the future. A joint walk-through will be done with the HOA and representatives from the TMMD Board to review fences and assess needed repairs to be done each summer. It was noted that Filings 1 & 5 will be painted next summer and that minor repairs are usually done by the painters at that time.

Trash Rack: The Board reviewed photos of the area where the trash rack would be installed. Following discussion between the Board and Mr. Hendrick with Centennial Water and Sanitation District, Director Parsons moved, Director Steed seconded and the Board unanimously approved a not to exceed amount of \$1,500 for installation of the trash rack once Centennial Water and Sanitation District reviews and signs off on the design of the rack. Mr. Kinkel will coordinate with Centennial Water and Sanitation District as to when installation can be done as the water levels will need to be low for the work to occur.

Centennial Water and Sanitation District Discussion: Mr.

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Hendrick gave the Board some background on the shared operation and water ownership of Fairview Reservoir #1. He indicated he would research agreements and management of the reservoir and send copies of pertinent information to Ms. Noon to share with the TMMD Board and for the District files.

LEGAL ITEMS

Executive Session: At 8:42 p.m., Director Rogers moved to go into executive session for the purposes of discussing legal issue pertaining to water rights pursuant to § 24-6-402(4)(e), C.R.S. Motion was seconded by Director Steed and approved unanimously by the Board.

The Board did not engage in substantial discussion of any matter not enumerated in section 24-6-402(4). The Board did not adopt any proposed policy, position, resolution, rule, regulation, or formal action. The executive session meeting was adjourned at 9:15 p.m. on a motion by Director LaClair, seconded by Director Handley and passed on the affirmative vote of five members.

Review of IGA with City of Littleton: The draft IGA provided by the City of Littleton was reviewed. As the documents give the District the first right of refusal to purchase the school site with limited time to accomplish that task, the Board felt the draft document did not meet the need of the District and did not capture the essence of the joint meeting between Directors Rogers and Steed, the Littleton City Attorney and Mayor Pro Tem Brinkman. Director Rogers will follow-up with staff from the City of Littleton for further discussion of this issue.

Legal Opinion Regarding District Contracting for Refuse Collection Services: The Board reviewed the memo for Mr. Rowley on the legality of the District providing trash service for the TrailMark neighborhood. No action was taken at this time.

COMMITTEE UPDATES

By-Laws Subcommittee: The committee has reviewed by-laws from Smoky Hill Metropolitan District and spoken with other districts concerning their use of by-laws. Director Rogers will attend a workshop at the SDA conference on by-laws for additional information. The committee hopes to have a draft of the TMMD by-laws by February or March of 2011.

Communications Committee: The committee is waiting for HOA action to proceed.

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Coffee At The Playground Update: It was reported that there were 25 attendees, 4 TMMD Board members and HOA Board members. Items discussed were the community center/pool project, mill levies and events for the community. Another Coffee at the Playground is scheduled for October 23, 2010 at 10:00 a.m. at the TrailMark Park. Posting of the event will be done and minutes will be taken by Director Rogers in compliance with open meeting regulations.

Discussion Concerning Requirements for Posting of Meetings: It was noted that any gathering that may have three or more TMMD Board members will be posted.

Signage: Director Parsons has the new sign and will work on the installation. Director LaClair will make copies of all bulletin board/sign keys for all Board members.

TRAILMARK HOA/STAR CANYON HOA UPDATE

The Board was informed that the HOA recovered their full deposit from the Denver Botanical gardens for the Corn Maze event.

The last paper edition of the HOA newsletter will be published soon. Future editions will be electronic. Director LaClair will provide copies of any articles placed on behalf of the TMMD to Ms. Noon for the District files.

It was further noted that the HOA is currently without a dedicated manager at Hammersmith and will notify Ms. Noon when a replacement has been found. Ms. Noon will work with Ms. Millspaugh on HOA related issues in the interim.

There was discussion on trash can availability throughout TrailMark. The HOA will investigate this issue.

The HOA is advertising for a local handyman to do repairs on their behalf in TrailMark. Director Steed felt that might be something for the District to consider, but no action was taken at this time.

OTHER BUSINESS

Discussion on TMMD Providing Trash Collection – this issue was addressed under legal matters.

PUBLIC COMMENT

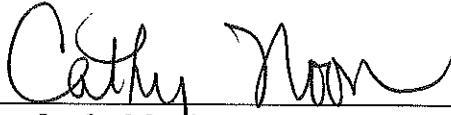
There was none.

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ADJOURNMENT

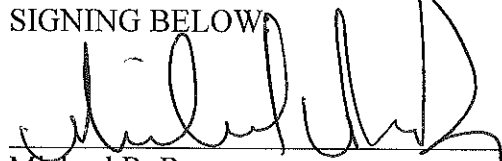
There being no further business to come before the Board, upon motion duly made by Director Handley, seconded by Director LaClair, and passed unanimously, the meeting was adjourned at 9:24 p.m.

Respectfully submitted,

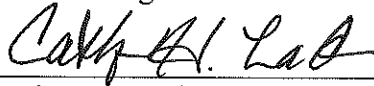


Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL
SEPTEMBER 21, 2010 MINUTES OF THE TRAILMARK
METROPOLITAN DISTRICT BY THE BOARD OF DIRECTORS
SIGNING BELOW

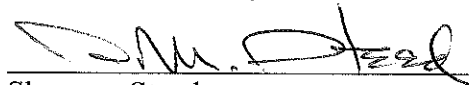


Michael R. Rogers

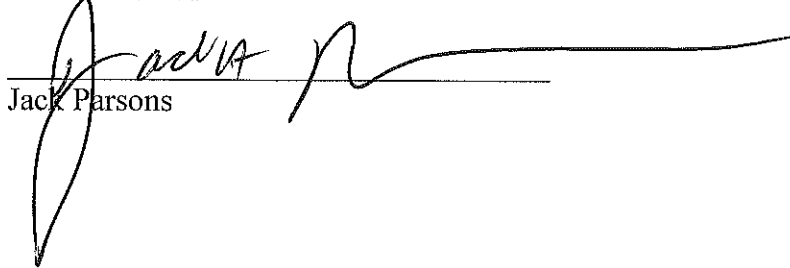


Catherine H. LaClair

Richard A. Handley



Sherman Steed



Jack Parsons

TRAILMARK METROPOLITAN DISTRICT

MEETING DATE: 09.21.10

PLEASE PRINT YOUR NAME, ADDRESS AND PHONE NUMBER AND THE ISSUE(S) YOU ARE INTERESTED IN ADDRESSING AT THIS MEETING.

[illegible]