



212 N. Wahsatch Avenue, Suite 305
Colorado Springs, CO 80903
(719) 955-5485

Board of Directors
Interquest North Business Improvement District
111 South Tejon, Suite 222
Colorado Springs, CO 80903

March 12, 2021

Re: Cost Certification of Public Improvements, Interquest North BID, Colorado Springs, Colorado

Dear Board of Directors:

We have been provided documentation from the representatives of Norwood Development (the "Developer") for the Interquest North Subdivision. The documentation depicts the costs incurred in connection with development of Public Infrastructure for 2018, 2019 & 2020. The documentation was provided for my evaluation pursuant to the developer obtaining reimbursement for the public improvements.

NO CONSTRUCTION CONTACTS

Included in the documents that were provided for our review by the Developer were: Site development plans, construction plans, final plats, invoices, payment summaries, and cost spreadsheets for the Interquest North Development(s). These documents were reviewed to validate the reimbursable costs for eligible and disallowed items.

BY DEVELOPER

We reviewed the 2016-2018 Operating Plans and Annual Budgets for the BID, and the Organizational Ordinance. We made a site visit to confirm that the construction has been completed commensurate with the costs for which reimbursement is being requested.

Operating Plan

Pursuant to the Operating Plan, costs eligible to be funded by the BID, defined as the Eligible Costs, which are:

{The public improvements that the District anticipates it will construct, install or cause to be constructed and installed, include those public improvements the costs of which may, in accordance with the Business Improvement District Act, Section 31-25-1201, et seq., C.R.S., lawfully be paid for by the District, including without limitation, water services, safety protection devices, sanitation services, marketing, streetscape improvements, street improvements, curbs, gutters, culverts, drainage facilities, sidewalks, parking facilities, paving, lighting, grading, landscaping and storm and wastewater management facilities and associated land acquisition and remediation (the "Public Improvements"). The costs of such Public Improvements, including costs of design, acquisition, construction and financing, are referred to herein as the "Public Improvement Costs".}

Review Methodology

The methodology that was used in reaching conclusions as to our recommendations for reimbursement generally followed the outline below:

- Review BID documents for definition of Eligible Costs.
- Review Subdivision Entitlement and Construction Documents.
- Review construction costs for consistency with prevailing costs in the area.
- Review budgets, invoices, and checks for payment to contractors and subcontractors.
- Make site visit.

Findings

Pursuant to the above methodology, the following findings were confirmed:

- The funds were spent on Eligible Costs as defined by the Operating Plan.
- The improvements have been installed per site visit on February 16, 2021. The improvements were inspected upon completion. The improvements were complete and fit for their intended use.
- The costs are reasonable and consistent with the prevailing costs in the area.

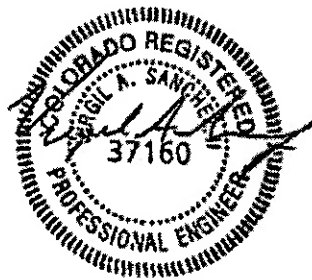
Recommendations

To the best of my knowledge, and belief, the services rendered for the costs as listed on the attached spreadsheet are appropriate as BID expenses and are consistent with the definition of Eligible Costs set forth in the Operating Plan. In my opinion, the costs are competitive with current pricing for similar services in the Colorado Springs area.

Accordingly, we recommend that the Board of Directors of the Interquest North Business Improvement District approve reimbursement to the Developer the amount of \$6,340,309.66 for the 2018, 2019 & 2020 constructed public improvements as itemized on the attached spreadsheet.

We are available to answer any questions that might arise in connection with these reimbursement recommendations.

Sincerely,



Virgil A. Sanchez, P.E.
For and on behalf of;
M&S Civil Consultants, Inc.

Conflict of Interest Search Results

418 Conflict of Interest filing results

#	Transaction (*)	Last Name	First Name	District/Office	Filing Date
401	2020511396	Jenkins	David	Interquest North Business Improvement District	2020-09- 04T12:54:32.000Z
402	20205113199	Jenkins	David	Interquest North Business Improvement District	2020-09- 16T14:30:19.000Z
403	20205113494	Jenkins	David	Interquest North Business Improvement District	2020-09- 18T14:39:23.000Z
404	20205113500	Jenkins	David	Interquest North Business Improvement District	2020-09- 18T14:53:51.000Z
405	20205119486	JENKINS	DAVID	INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT	2020-11- 15T22:56:12.000Z ^ Top
406	20205119489	JENKINS	DAVID	SW DOWNTOWN BUSINESS IMPROVEMENT DISTRICT	2020-11- 15T23:14:39.000Z
407	20205119494	JENKINS	DAVID	SW DOWNTOWN METROPOLITAN DISTRICT NOS. 1 AND 2	2020-11- 15T23:23:25.000Z
408	20215002743	Jenkins	David	Mesa Ridge Metropolitan District	2021-01- 23T15:25:29.000Z
409	20215002747	Jenkins	David	Upper Cottonwood Creek Metropolitan District Nos. 3 and 4	2021-01- 23T15:35:01.000Z
410	20215008912	Jenkins	David	POWERS AND WOODMEN COMMERCIAL BUSINESSS IMPROVEMENT DISTRICT	2021-02- 21T09:31:23.000Z
411	20215008917	JENKINS	DAVID	BARNES AND	2021-02-

				POWERS NORTH BUSINESS IMPROVEMENT DISTRICT	21T09:44:00Z
412	20215008919	Jenkins	David	First and Main Business Improvement District No. 2	2021-02- 21T09:46:44.000Z
413	20215008927	JENKINS	DAVID	SW DOWNTOWN BUSINESS IMPROVEMENT DISTRICT	2021-02- 21T09:55:22.000Z
414	20215008938	JENKINS	DAVID	SW DOWNTOWN METROPOLITAN DISTRICT NOS. 1 AND 2	2021-02- 21T10:02:48.000Z
415	20215041115	Jenkins	David	Interquest North Business Improvement District	2021-04- 25T08:22:34.000Z
416	20215041120	Jenkins	David	SW Downtown Metropolitan District Nos. 1 and 2	2021-04- 25T09:36:37.000Z
417	20215041125	Jenkins	David	SW Downtown Business Improvement District	2021-04- 25T09:48:53.000Z
418	20215043597	Jenkins	David	Interquest North Business Improvement District	2021-05- 02T21:51:37.000Z

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO
CERTIFICATE

20215041115

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

DAVID JENKINS
DIRECTOR

INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT

has disclosed and filed a Conflict of Interest with this office in accordance with section 24-18-110, C.R.S., and Rule 1.1 of the Secretary of State's Rules Concerning Conflicts of Interest.

The Conflict of Interest Disclosure was filed with the following information:

Amount of Financial Interest (if any): 1000

6.34M
REIMBURSEMENT
APPROVED

Purpose and Duration of Services Rendered: Additional information was filed as an attachment.

Other Relevant Information: The amount of financial interest may be more or less than the amount listed above. For more information, please see the attachment to this form as well as any conflict of interest form and/or transac...

This certificate reflects facts established or disclosed by documents electronically filed in this office on 04/25/2021 08:22:34 AM.

↳ FOR THE APRIL 29TH MEETING

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on Monday, May 31, 2021 08:33:18 PM pursuant to and in accordance with applicable law.



Jena Griswold

Secretary of State of the State of Colorado

Notice: A certificate issued electronically from the Colorado Secretary of State's website is fully and immediately valid and effective.

I. ADMINISTRATIVE MATTERS

- A. Call to Order and Approve Agenda
- B. Declaration of Quorum/Director Qualifications/Disclosure Items
- C. Community Comment for Items Not on the Agenda (3 minute limit per person)
- D. Consider Appointment of Officers
- E. Review and Consider Approval of Minutes from the November 17, 2020 Special Board Meeting (enclosure) (pg.3)

II. FINANCIAL MATTERS

- A. Review and Consider Acceptance of Unaudited Financial Statements as of March 31, 2021 (enclosure) (pg.7)
- B. Review and Consider Ratification of Previous Claims and Approval of Current Claims (enclosure) (pg.21)
- C. Review and Consider Ratification of the 2020 Audit (to be distributed)

III. LEGAL MATTERS

- A. Other

IV. MANAGER MATTERS

- A. Other

V. OTHER BUSINESS

- A. Confirm Quorum for the Next Regular Meeting

VI. EXECUTIVE SESSION

- A. Executive Session to Receive Legal Advice Regarding Ongoing Litigation

VII. ADJOURNMENT

← AT MEETING!
 \$6.3M CERTIFICATION
 AND DEVELOPER
 REIMBURSEMENT
 ADDED & APPROVED.

<p>COLORADO COURT OF APPEALS 2 East 14th Ave., Denver, CO 80203</p> <p>Appeal from El Paso County District Court Hon. Laura Norris Findorff, Case No. 2020CV030862</p>	<p>DATE FILED: May 10, 2021 4:34 PM FILING ID: 96BC7315373A8 CASE NUMBER: 2021CA666</p>
<p>Plaintiffs/Appellants: TIMOTHY J. LEONARD, an individual; THE DEEPWATER POINT COMPANY, a Colorado corporation</p> <p>v.</p> <p>Defendant/Appellee: INTERQUEST NORTH BUSINESS IMPROVEMENT DISTRICT, a quasi- municipal entity</p>	<p>▲COURT USE ONLY▲</p>
<p><i>Attorneys for Plaintiffs/Appellants:</i> Ian Speir, #45777 Edward A. Gleason, #9744 NUSSBAUM SPEIR GLEASON PLLC 2 N. Cascade Avenue, #1430 Colorado Springs, CO 80903 Telephone: (719) 428-4937 ian@nussbaumspeir.com ed@nussbaumspeir.com</p>	
<p align="center">NOTICE OF APPEAL</p>	

Plaintiffs/Appellants Timothy J. Leonard and The Deepwater Point Company, pursuant to C.A.R. 3, submit this Notice of Appeal in the above-captioned matter.

1. Trial court information

Trial court: El Paso County District Court, State of Colorado

Trial court judge: The Honorable Laura Norris Findorff

Parties initiating appeal: Plaintiffs Timothy J. Leonard and The Deepwater Point Company

Trial court case number: 2020CV030862

2. Brief description of the nature of the case

(A) General statement of the nature of the controversy: This is a Colorado Open Records Act ("CORA") case brought by Plaintiffs/Appellants against a business improvement district in northern Colorado Springs known as the Interquest North Business Improvement District ("District"). The District's board of directors is fully controlled by representatives of a single developer, Nor'wood Development Group. Prior to this litigation, the District refused to turn over numerous categories of public records, despite repeated requests that it do so. After the litigation was filed, the District turned over thousands of pages of previously undisclosed public records, but refused to disclose contracts and payment records (invoices, canceled checks, etc.) related to construction of the District's public improvements, on the ground that such records are in the actual custody of the developer and/or the District's engineer rather than the District itself. The District

LEGISLATION
NEEDS TO CLARIFY
↓

Court ultimately sustained this refusal, finding that it did not have “authority to order the District to obtain and produce or disclose the requested documents from the private engineers [sic].” Order re: March 19, 2021 Status Conference (Mar. 22, 2021), at 5.

(B) Order being appealed and basis for appellate court’s jurisdiction:

Appeal is taken from the District Court’s “Order re: March 19, 2021 Status Conference” dated March 22, 2021 (“Order”), and all prior orders and decisions, including the District Court’s “Order re: Plaintiff’s CORA Application” dated September 19, 2020.

(C) Whether the order resolved all issues before the trial court: The Order resolved all issues before the trial court, except for the issue of attorney fees and costs. *See* Order at 6. Plaintiffs/Appellants’ motion for attorney fees and costs, which was submitted on April 5, 2021, is fully briefed but remains pending before the District Court.

(D) Whether the judgment was made final for purposes of appeal pursuant to C.R.C.P. 54(b): The Order was not made final for purposes of appeal pursuant to C.R.C.P. 54(b).

(E) Date the Order was entered: March 22, 2021.