

MINUTES
DU PAGE COUNTY TECHNOLOGY PARK BOARD
November 18, 2002

The meeting was called to order by Chairman Schillerstrom at 4:00 p.m.

Members Present: Robert J. Schillerstrom
 Dan Goodwin
 Duane Gengler

Mbr. Ken Schmidt joined the meeting after the approval of the minutes

Staff Present: Jack Tenison, Executive Director

Other Present: Kaaren Oldfield, DuPage Airport Commissioner
 Chris Burke, Christopher B. Burke Engineering
 Roberta Owens, DuPage County
 John Wills, Christopher B. Burke Engineering
 Dennis Popsy, Knight Infrastructure
 Scott Theupikauf, Mid America Bank
 Jerry Robinson, Christopher B. Burke Engineering
 Dr. Tammy Ramirez, Battelle
 Dayle Gillett, DuPage Airport Commissioner
 Jim Wolfe, Knight Infrastructure
 Jack Curley, Battelle Trec Center
 Mary Plansky, City of West Chicago
 Jeff Stewart, Battelle Trec Center
 Mike Vondra, Abbott Land
 Russ Horn, DuPage Airport Board
 Gordon Cole, DuPage Airport
 Bill Grady, Chicago Tribune
 Paul Wiese, Smith Group JJR
 George Maurides, Maurides & Foley, L.L.C.

Public Comment

None

Minutes

Mbr. Gengler moved to approve the minutes of September 17, 2002. Seconded by Mbr. Goodwin. All ayes, Motion carried

Review of Site Development Character

Executive Director, Jack Tenison introduced Paul Wiese of Smith Group JJR who presented a PowerPoint presentation on the site characteristics and overall themes for site design. They want to create a unique and functional environment utilizing the elements of nature, people and technology for DuPage County and want it to be recognized nationally

as a center for research technology. Three significant neighbors surrounding the DuPage Technology Park are DuPage Airport, Prairie Landing Golf Course and Fermi National Laboratory. The key elements that influence the overall plan and character included:

- **Property Limits**—Different elevations of the property. The property slopes west to east the natural topography creates some obvious drainage ways on the site. It would be a benefit to re-use these drainage ways to minimize the amount of dirt that has to be moved.
- **Extensions of the Runways**—Parallel as much as possible with the temporary road and will minimize development in this area.
- **Temporary Road**—First main road will run north and south connecting Roosevelt and Fabyan. Secondary roads will be a loop road to the east and a loop road to the west.
- **Gas Easement**—Parallel as much as possible with the temporary road.
- **Wetland**—Land uses existing floodplains and existing wetland mitigation sites. There is opportunity for compensatory storage on the eastern edge of the property.
- **Roosevelt Road/Fabyan Parkway**—Roosevelt Road (Route 38) cuts through the northern half of the site and Fabyan Parkway runs through the middle of the site. These two roads will be key access roads to the Park.

Based on these and other site issues the land use plan has been refined. The primary north south road connects Roosevelt and Fabyan and runs parallel with the runway extensions as well as the gas easement and the secondary roads to the east, west & south would provide access to various development zones. By placing roadways in this area it will minimize the development and ensure there will not be any buildings or any other type of development under extensions of the runways. The developmental zones are focused on the higher elevation levels. By building flexibility into this plan there can be a variety of development zones: 100-150 acre parcels would attract very large corporate users and smaller zones of 25-50 acres and 4-5 acre parcels. Jack Tenison noted that phasing on what would be the east side north of Fabyan Parkway will be our primary focus in the near term, meaning 3-5 years. Development Zone as detailed in the presentation does not mean it will be developed tomorrow and also the temporary road will be used as much as possible in creation of the permanent road.

The specifics of the landscape character and the site development character have been inspired by DuPage Airport, Prairie Landing, Fermi National Accelerator Laboratory & Argonne Laboratory. These specifics include:

- Developing a series of land and sculptural forms that represents the sixteen original elements and symbols from the Elements Periodic Table.
- Leaving the topsoil for development of the landscape character.
- Using the native grasses already prevalent to the area.
- Carrying the storm water under and across the road to move it to Kress Creek.
- Character of the road will be a divided section with a median that varies in width and height.
- Creating the highest elevation at the intersections of the loop roads and create roundabouts to control traffic and eliminate the need for traffic signals.
- Representing the extension of the runway some type of plant material may be considered.

Mbr. Gengler noted that the area needed to be kept flat as to ensure the safety of landing a plane. Mbr. Schmidt would like to see the symbols/sculptures along bike paths and nature trails converted into an educational opportunity. Paul Wiese noted there is potential for a trail system with signage information to let people know what the symbols represent and why they are there.

Mbr. Goodwin noted it is essential to have a theme for a development but you get into the issue of function and form and you need to be careful not to put function behind form. He felt it was important not to take too much land out of leasable or rentable use. He recommends that there is a way to marry the two concepts. A for-profit developer doesn't let the design determine where he can build, it is generally the opposite. Mbr. Goodwin stated this is very creative, likes the overall design and has an excellent theme, unfortunately most of it is only visible by air. Don't want to give up too much buildable land simply to have a beautiful design.

Jack Tenison noted that every effort has been made to avoid giving up buildable land and the design has tried to use the right of way requirements. Would like to create a certain character by creating the look and feel of a college campus. Some of the creative ideas presented will have to be tempered against the reality of obtaining the highest and best use of the land.

Mbr. Goodwin stated that if the design attracts people, leases more land and makes more companies willing to locate on site it makes sense. Right from the beginning it is necessary to determine how the black dirt will be utilized.

Discussion of Storm Water Detention Issues

Chris Burke, Christopher B. Burke Engineering talked about the storm water reservoir and the regional storm water issues that need to be resolved. He showed the relocation of Kress and Powis Road and the improvements that the County is proposing. These improvements consist of creating a reservoir 200 acres flooded to one foot deep. The reservoir serves three purposes:

- When Kress/Powis Road is reconstructed it will require detention storage and compensatory storage
- Airport Authority constructs improvements on its property to the south of North Avenue-they will need up to 50 acre feet for detention and compensatory storage
- Flood control aspects-the culvert that is under the railroad is way too small and at present causes backups.

The presently designed storm water reservoir configuration is solely caused by the Kress/Powis road improvements. This reservoir can be expanded in the future for compensatory storage. Not much detention storage for the Tech Park would be put in because this will be handled as the north south road is constructed. The reservoir will be approximately 21 acres.

Contract-Abbott Land for RFP Development and Contract Execution Services

Jack Tenison gave an update from the last meeting where the Board approved entering into contract negotiations with Abbott Land to create an RFP for the 160 acres south of

Fabyan Parkway. There were two contract phases, one creating the RFP and one for execution services if the Tech Board decides to move ahead with responders to the RFP. Abbott Land would analyze the bids and recommend one bidder or a combination that would provide the best return. The Tech Board would then determine to enter into actual contract negotiations. The contract that details the specific terms as were discussed at the last Tech Board meeting is included on the agenda.

Mbr. Goodwin stated that he had several issues with the contract which can be solved but he does not think we are ready to vote on the contract today. He spoke with the vendor and the RFP is going to have to include a description of the ground lease and what land is approved and the ground lease is not prepared yet. It is not possible to actually call for an RFP without an agreement being in place. That being the case it takes the sense of urgency away from this matter. Mbr. Goodwin suggested to table this matter and he has volunteered to work with Jack Tenison and the vendor on the contract. Chairman Schillerstrom moved to table the contract for Abbott Land for RFP Development and Contract Execution Services, seconded by Mbr. Schmidt. All ayes. Motion carried.

Update on status of lease negotiations with Airport Authority

Jack Tenison noted that he and George Maurides are negotiating with the Airport Authority regarding lease agreements. It is important to know what property is leasable and the question arises should the reservoir be included in the leasable property? Should the Airport lease this property or should we exclude it from the lease negotiations? Mr. Tenison noted that he does not see negotiations concluding before the end of the year or possibly the first part of January.

George Maurides, Maurides & Foley, L.L.C. provided further information on the lease negotiations. One of the things that he has been working on with Gordon Cole and the engineers is to define the lease area. There needs to be a policy decision on the area south of Fabyan as to whether or not these areas will be leased or kept in control of the Airport. Another area with of concern is the 20 acres the county is going to build the retention pond on. A decision needs to be made as to whether or not the County is going to buy or lease that property from the Airport or lease that property to the Tech Park and the Tech Park would sub-lease it to them. There is not much detention benefit to the Tech Park in this pond as it is presently designed. There is a possibility of expanding the pond to the north to pick up some compensatory storage which would then provide more land to develop the Tech Park. Chris Burke indicates that the reservoir would most likely be a wet type, however, it wouldn't be a recreational area. For there to be a benefit to the Tech Park the 21 acres would have to be expanded to 25-30 acres in size. Chairman Schillerstrom stated that if the storm water facilities were all consolidated into one area, this would be more beneficial and that it would be more beneficial for the Tech Park long term to reclaim as much land as possible from the floodplains. Chris Burke noted if you are going to fill in these areas, the expansion of the reservoir is sufficient to accommodate that need. Chris Burke advised that the additional wetlands south of Fabyan cannot be used for compensatory detention storage.

Jack Tenison requested that he would like some direction from the Board on the reservoir. Mbr. Goodwin stated that he does not believe the Board is in a position to give direction. There are other issues such as property taxes, and he would like to hear definite opinions from the experts and consultants, and then the Board should choose among those opinions. Mbr. Schmidt stated that the direction we are looking for is

whether or not to lease the land. George Maurides stated that property taxes are a big issue on all of this property and this issue comes up because the property belongs to the Airport Authority and several of the properties have granted exemption status. The most critical issue that is being decided right now is whether we actually lease or do an option to lease because of the real estate tax implications. There are 75 different tax parcels and all of them are at different stages of litigation with the assessors' office. Bob Best, Airport tax attorney, will be giving a legal opinion on this particular issue. Another very critical issue is defining the areas we are going to lease. We have to get legal descriptions on all the properties and we're working on that plus getting all the titles. Also the Airport wanted a construction schedule for the infrastructure. If the Tech Park moves on to leasing property quicker, there's going to be a significant flow of money for the next 100 years. One issue that needs to be decided is when the Tech Park is a certain percent complete should it end its existence since the work of the Tech Board is done. The real issue is whether income generated here either by acquisition or leasing should go through the Tech Park on the way to the Airport.

Mbr. Goodwin noted that the fundamental concept is for the money to go to the Airport. The Tech Park is a conduit, it is the Airport's land. Money from the Tech Park will either go into development costs or to the Airport. Mbr. Goodwin believes there is no reason to create a lease or sub lease or some other triple decker legal arrangement if in fact the County is going to pay some portion of the detention. It is better to have those funds go directly to the Airport due to the property tax situation.

Chairman Schillerstrom noted that there are three entities that are going to benefit from this issue, Airport Authority, DuPage County based on the road that they are going to put in and to solve the existing flood problem, and the Tech Park. At this point there are 21 acres needed by the County to address Airport existing storm water issues and to assist in road improvements. The County generally pays 2/3 and the Airport would most likely pay 1/3.

George Maurides recommended having the Tech Park lease and control all of the land and if the end result is to sell or lease it to the County, the money is going to flow through to the Airport anyway. George Maurides, Gordon Cole, Jack Tenison have done income projections and the base issue that the Board needs to address is how much of the income should stay with the Tech Park for buildings and how much of that income should flow directly to the Airport. A certain amount of money is going to be generated whether the land is rented for a detention pond or for renting land to companies. In negotiations we are close to identifying the useable area and have various projections as to how much money could be generated in the form of lease rates. A question that needs to be answered is: Will the Tech Park be constructing buildings and if it does where is it going to get the money to do so? If it is the decision that the Tech Park is never going to construct buildings and never have capital improvement beyond the initial infrastructure then it will be easy to define.

Mbr. Gengler stated there is no reason to relinquish that income potential for the pond from the Airport. It should go directly back to the Airport so that the taxpayers can receive some benefits from it. Chairman Schillerstrom noted that the issue at this point is to decide whether the \$1.5 million, the value of the regional storm water facility goes to the Airport or to the Tech Park. Chairman Schillerstrom indicated that the Airport will get that income whether or not we leave the reservoir out to start because the Tech Park is

never going to use the storm water facility; it is only going to be used by DuPage County and the Airport Authority. Mr. Goodwin stated that with our commitment to move the Airport off the property tax roles causes the Airport Authority to be to be much more focused on sources of income and Mr. Cole has pointed this out, the advantages of a lease, an income over time versus selling the land has some risks to it because of the large amount of money coming in at one time and retaining that money. Once the \$34 million grant is invested and infrastructure is developed the Tech Board is not any more likely to get future grants than the Airport will and this may depend on who controls the land. George Maurides noted that one advantage of being a 501C3, is the ability to receive tax deductible donations from the private sector. Chairman Schillerstrom noted that Gordon Cole mentioned maintenance on this reservoir would reside with the County because they're benefiting most from this facility, however, that will be an issue for discussion for negotiation with the County. Chris Burke stated that the numbers came in at 60% the County's responsibility and 40% for the Airport Authority. Maintenance costs are not anticipated to be very great. Chris Burke noted the combination of the culvert replacement at the railroad tracks and the expansion of the reservoir and land acquisition when combined is about \$12 million.

Jack Tenison noted that the County is saying that the Airport will have to come up with 40% of the \$12 million and that the County will have to come up with 60%. That's an issue that you have to review when you're discussing Airport cash flow. One way around that may be to give the Tech Park the benefit, we construct it and over time pay it back so that the Airport can manage the payments. Mbr. Goodwin noted that this decision does not have to be finalized until the lease is signed and would suggest in putting it off until the next meeting. Mr. Goodwin requested Jack Tenison to write a position paper with some kind of rationale with the pros and cons and send it to the Board to review. Chairman Schillerstrom noted that regardless what we ultimately decide, there should be some opportunity for the Tech Park to use this basin capacity for storm water storage.

Contract to Development Concepts for Construction Management Services for Temporary Access Road

Jack Tenison discussed the need to have someone in the field to manage, address and review construction related issues. Kuhn has an engineering plan that they are supposed to follow but reality is that things change in the field so it is necessary to have someone onsite dealing with them on a daily basis as problems arise and to inspect the work being completed. Mbr. Goodwin stated that this road is going to be turned over to West Chicago when it's done so it needs to be done with a certain level of quality. Gordon Cole indicated it is customary for the Airport Board to have someone observing the construction. Chris Burke assured the Board that when a Public Works related project is under construction it is customary to have someone there observing and making sure that it's done in conformance with the plans and specifications. Chairman Schmidt moved to approve the Contract for Development Concepts for Construction Management Services for Temporary Access Road, seconded by Mbr. Gengler, Mbr. Goodwin abstained. Motion carried.

Old Business

Mbr. Schmidt questioned whether there is any threat of revision of the grant. Jack Tenison explained the language in the grant indicates it is approved based on the state having funding. This is member initiative funding using Illinois first dollars so there are restrictions as to how these funds could be used. Since these are bond funds it is not

likely they could redirect them to cover state government operations. The Tech Park has drawn down about half of the \$34 million. The financials statements are included under the Executive Director's report. Mr. Tenison suggested that we go ahead and aggressively seek the final portion of the state funding as quickly as possible.

Mbr. Gengler requested a basic check register to see operating and income expenses for the grant dollars. Mr. Tenison indicated the line item expenditure listing provided would offer even better information as to how the funds are being expended.

New Business

None

Executive Session

At 6:00 p.m. the Board went into Executive Session on a motion by Chairman Schillerstrom, seconded by Mbr. Gengler.

Adjournment

With no further business remaining before the Board, the meeting was adjourned at 7:00 p.m. on a motion by Chairman Schillerstrom, seconded by Mbr. Gengler. All ayes. Motion carried.

Respectfully submitted,

Patti Miller