

MINUTES
DU PAGE COUNTY TECHNOLOGY PARK BOARD
March 15, 2004

The meeting was called to order by Chairman Gorski at 1:40 p.m.

Members Present: David Chicoine
Dan Goodwin
Gerald Gorski

Via Phone: Duane Gengler

Members Absent: Peter Huizenga

Staff Present: Jack Tenison, Executive Director

Other Present: Chris Burke, Christopher B. Burke Engineering
Mark Wrzeszcz, Christopher B. Burke Engineering
George Maurides, Maurides & Foley, L.L.C.
Kenneth Cheung, Maurides & Foley, L.L.C.
Bill Grady, Chicago Tribune
Paul Wiese, SmithGroup JJR
GP Yeh, Fermi Lab
Kimberley Wayne, City of West Chicago
David Bird, DuPage Airport Authority

Approval of Minutes

Mbr. Chicoine moved to approve the minutes of January 12, 2004. Seconded by Mbr. Gengler. Roll call vote: 3 ayes: Chairman Gorski and Mbrs. Gengler and Chicoine. No nays. Motion carried.

Executive Director's Report

Jack Tenison provided a report updating the status of various aspects of the DuPage County Technology Park project since the last Board meeting January 12, 2004 and future projects. Mr. Tenison stated that there is an update on the water main and sanitary sewer project. Approximately 1815 feet of sanitary sewer has been constructed, however, due to an equipment breakdown and weather related problems caused by thawing there was a great deal of water issues to deal with and the project is behind schedule. The project is still within budget.

Mr. Tenison requested feedback from the Board as to whether or not they were interested in participating in a day trip for a site visit to an incubator or accelerator facility in Illinois. The first location Mr. Tenison suggested visiting is the Chicago Technology Park located downtown within the Illinois Medical District and the other site is the Research Park at the University of Illinois in Champaign. Mbr. Chicoine stated that both of these sites are under his jurisdiction and

that he would be happy to host the Board at either facility. Chairman Gorski suggested that the next DCTP Board meeting be held at one of the facilities mentioned and the Board can also tour the facility.

Mbr. Goodwin joined the meeting at 1:45 p.m.

Mr. Tenison gave an update on the progress he has made in implementing the recommendations of Wolf Capital.

- New check stock order that provides two signature lines on checks and requirement notice.
- Working with MidAmerica Bank on collateral agreement which should be complete by March 15.
- Incorporated new language in contractor agreements concerning lobbyist activity.
- Working with Airport Authority regarding lease agreement for office space. That document is not complete and will require approval of the Airport Authority Board.
- Board members with check signing authority were provided the grant document and state expenditure guidelines.
- The Tech Park already had in place a blanket employee dishonesty coverage in the amount of \$100,000 this covers directors and board members signing checks.

Mr. Tenison stated that Wolf Capital recommended separating the accounting activity from the audit. Wolf Capital suggested various firms who might complete the audit. Both suggested firms provided proposals that were under the \$10,000 bidding requirement. Cray, Kaiser LTD. proposed \$4950 and the Condon Group proposed \$6000. Both firms are well qualified to perform the audit. Given the low bid Mr. Tenison has begun the audit process with Cray, Kaiser LTD.

Christopher B. Burke, Christopher B. Burke Engineering, Ltd. stated that it would be more cost efficient to have an underground irrigation system for the lawn along the roadway using the stormwater ponds. Mr. Tenison stated this would cost approximately \$220,000. If the irrigation system is connected to the city of West Chicago's potable water supply system, the estimated water usage costs would be approximately \$1165/week based on an estimated \$5.00 per 1000 gallons rate. Mr. Tenison stated that in the bid specification it was included to have a back-up system to utilize the city of West Chicago's water system in case the Tech Park area did not receive precipitation for an extended period of time.

Financial Reports

Mr. Tenison submitted the certification list of the checks from the state checking account.

Mbr. Chicoine moved to approve corporate resolution 2004-9 Review and Approval of DuPage County Technology Park, N.F.P. State Checking Account Detail for the Period January 1, 2004 thru February 29, 2004. Seconded by Mbr. Gengler. Roll call vote: 4 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler and Goodwin. No nays. Motion carried.

Easement Revision to Expand the Scope and Area

Mr. Tenison stated that the easement revision to expand the scope and area mirrors what was approved by the DuPage Airport Authority Board. This revision was discussed at the last Technology Board meeting January 12, 2004. Additional easement areas are needed for duct bank, roadway sub-base of the east and west legs of the north and south roundabouts, increase the stockpile area and add use for a bike path on the west side of the north south access road. Mr. Tenison stated that there would be another revision at the next Board meeting for the fiber optics. It will be for a communications hut that has to be constructed.

Mbr. Gengler moved to approve corporate resolution 2004-10 Third Amendment of Temporary Construction and Access Easement Between DuPage County Technology Park, N.F.P. and DuPage Airport Authority. Seconded by Mbr. Goodwin. Roll call vote: 4 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler and Goodwin. No nays. Motion carried.

Awarding Bid for Landscape and Entrance Monuments

Mr. Tenison stated that the project that was bid for the landscape and entrance features includes both the plant material and the materials for the signage. SmithGroup JJR will subcontract with a graphic specialist for the lettering on the signage which is not included in this contract. Mr. Tenison stated that he met with Mbr. Huizenga and Robert Harbour, Morgan Harbour Construction to review the plans and get feedback for the landscape project and these plans are a consensus of that meeting. CenterPoint Properties reviewed the plans and will be sending a letter stating that they have no problem with the recommended design.

On March 11, 2004 three bids were received for the Tech Park landscape installation project. Bids were opened from the following companies:

- Landworks Ltd. in the amount of \$1,712,945.59
- Wingren Landscape in the amount of \$2,097,700.00
- Clauss Brothers in the amount of \$2,518,551.75

Mr. Tenison stated that in reviewing the bid of Landworks Ltd. it appeared they were extraordinarily low on the amount designated for maintenance. Upon discussion it was determined Landworks had not included full funding for the required two year maintenance program. After negotiations Mr. Tenison reached an agreement with Landworks Ltd. at \$55,000 for this 2 year maintenance component. After this adjustment Landworks Ltd. is \$329,754.41 below the next highest bidder, it is recommended that the bid be awarded to Landworks Ltd. for \$1,767,945.59. It is also proposed that Landworks Ltd. would indemnify the Tech Park regarding the bidding process.

Mr. Tenison is also recommending a contingency set-a-side of \$85,000 related to this project. SmithGroup JJR has indicated it is typical that once field work has begun adjustments requiring additional landscape or hardscape materials are necessary. This funding would not be part of the contract award but rather would be authorized by the Executive Director only upon written recommendation by SmithGroup JJR and in keeping with the overall plan design. Paul Wiese, SmithGroup JJR stated it is expected that the work in this contract be completed in late 2004.

This would be the date of acceptance and the start of the maintenance period which would cover all of 2005 and until November 2006.

Mbr. Gengler suggested the Chairman approve any payment being made that was beyond the accepted bid. Mr. Tenison stated that any payment over \$10,000 needs two signatures and he prepares a report for Chairman Gorski.

George Maurides stated that the amendment to the resolution would be to include the discretion for the \$85,000 and that it not only has to be approved by the Executive Director but by the Chairman.

Mbr. Goodwin moved to approve corporate resolution 2004-11 Award of Landscape Installation Project subject to the modification that the discretion for the \$85,000 be included in the resolution as well as the modification that the bid would be awarded to Landworks Ltd. at either the original bid amount or the original bid amount plus \$55,000 if Landworks Ltd. agrees to indemnify the Tech Park. Seconded by Mbr. Gengler. Roll call vote: 4 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler and Goodwin. No nays. Motion carried.

Authorization for Electrical Service Work to be Performed by Commonwealth Edison

Jack Tenison stated that he has been meeting with Commonwealth Edison to determine the appropriate improvements needed for providing electrical service to the Tech Park. Mr. Burke stated that the services Commonwealth Edison will provide include the following:

- Two 12 kv lines one from Roosevelt Road and another from Fabyan Parkway to a pair of pad mounted switchgear. The lines would be buried.
- Service for the streetlights and aerators needed in the detention ponds.
- Service to entrance signs and lawn irrigation system.

Mr. Tenison stated that the transformers will be camouflaged due to the topography of the road and the landscape that will be put around them.

Chairman Gorski questioned how ComEd goes about pricing this type of service. Mr. Burke stated that ComEd is the only company that will give you this type of bid. Mbr. Goodwin stated that you can get alternative trenching bids but not alternative bids for installing the high power lines.

Mbr. Gengler moved to approve corporate resolution 2004-12 Authorization of Electrical Service Work by Commonwealth Edison with the amendment to have the contract reviewed by counsel. Seconded by Mbr. Chicoine. Roll call vote: 4 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler and Goodwin. No nays. Motion carried.

Update Regarding Dedication of Public Improvements

Directed by the Tech Board, Jack Tenison, Chris Burke and Ken Cheung, Maurides & Foley met with West Chicago officials to discuss their opinions regarding the treatment of various site

improvements. Mr. Burke has identified the different types of improvements that were discussed with the City.

- **Sanitary Sewer/Watermain** – Two options were discussed. 1) Dedication of an easement or 2) payment of a fee to the City of West Chicago for operations and maintenance.
- **Storm Sewer** – Only interested in storm sewer within roadway right-of-way.
- **Pond Aerators** – Not interested because city does not have expertise for this type of maintenance.
- **Irrigation System** – Not interested because city does not have expertise for this type of maintenance and does not allow irrigation systems within right-of-way. (The Tech Park will have to get a variance from the City of West Chicago)
- **Streets** – Will take the responsibility for maintenance but voiced concerns about the need for increased staffing to meet the needs of additional roadway.
- **Ponds** – Expressed strong disapproval of maintaining these facilities.
- **Bike Path** – Does not want maintenance responsibility.
- **Street Lights** – Will take over maintenance but ok if Tech Park wants to maintain.
- **Landscaping and Entrance Features** – They do not want to maintain the native landscaping or entrance features.

The Board indicated it will review the various options presented.

Awarding Bid for Street Light Along Main Access Road and Aeration Project

Mr. Burke reviewed the bids that were received for the street lighting and aeration of the stormwater ponds. Four bids were received for the project:

- Utility Dynamics Corporation – \$412,095.00
- Aldridge Electric, Inc. – \$421,395.00
- Thorne Electric, Inc. – \$436,963.50
- Gaffney's P.M.I. – \$449,015.00

CBBEL recommends the DuPage County Technology Park N.F.P. award a contract in the amount of \$412,095.00 to the low bidder Utility Dynamics Corporation. Their bid is \$45,180.00 below the engineer's estimate of \$457,275.00.

Mbr. Gengler moved to approve corporate resolution 2004-13 Award of Street Lighting Along Main Access Drive and Aeration Project. Seconded by Mbr. Goodwin. Roll call vote: 4 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler and Goodwin. No nays. Motion carried.

Old Business

None

New Business

Mr. Tenison stated that at the last DAA Board meeting a loan agreement was approved with the Tech Park and George Maurides is recommending that a resolution be passed by the Tech Park to accept. Chairman Gorski suggested that before a resolution approving the loan from the DuPage

Airport Authority to the DuPage County Technology Park, N.F.P. is passed Jack Tenison and George Maurides, Maurides & Foley, L.L.C., meet with David Bird, Executive Director, DAA, and legal counsel for the DAA Phil Luetkehans, Schirott and Luetkehans, for the purpose of drafting appropriate documentation.

Chairman Gorski motioned to authorize Jack Tenison and George Maurides, Maurides & Foley to meet with David Bird, Executive Director, DAA and Phil Luetkehans, Schirott and Luetkehans, legal counsel for the DAA for the purpose of drafting appropriate documentation reflecting the loan from the DuPage Airport Authority to the DuPage County Technology Park N.F.P. in the amount of \$250,000.00. Seconded by Mbr. Goodwin. Roll call vote: 3 ayes: Chairman Gorski and Mbrs. Chicoine and Goodwin. No nays. Motion carried.

Update on Master Developer Agreement - Executive Session

At 3:00 p.m. the Board of Directors voted to go into Executive Session.

At 4:30 p.m. the Board of Directors voted to come out of Executive Session.

Adjournment

With no further business remaining before the Board, the meeting was adjourned at 4:30 p.m. on a motion by Mbr. Chicoine, seconded by Mbr. Goodwin. Roll call vote: 3 ayes: Chairman Gorski and Mbrs. Chicoine and Goodwin. No nays. Motion carried.

Respectfully submitted,

Patti Miller