

MINUTES  
DU PAGE NATIONAL TECHNOLOGY PARK BOARD  
January 23, 2006

The meeting was called to order by Chairman Gorski at 2:10 p.m.

Members Present: David Chicoine  
Duane Gengler  
Gerald Gorski  
Peter Huizenga  
Daniel Goodwin

Staff Present: Jack Tenison, Executive Director  
Patti Miller, Executive Assistant

Other Present George Maurides, Maurides & Foley, L.L.C.  
Paul Bryant, Kudrna & Associates  
Chris Burke, CBBEL  
Mark Wrzeszez, CBBEL  
David Bird, DAA  
Mark Doles, DAA  
Lisa Maedgen, DAA  
Chuck Tokarski, DuPage County D.O.T.  
Morgan Cotton, DuPage County D.O.T.  
David Carlson, Fermilab  
William Chapman, Wolf & Co.  
Karen Courney, Wolf & Co.

Approval of Minutes

Mbr. Huizenga moved to approve the minutes of November 14, 2005. Seconded by Mbr. Gengler. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

Executive Director's Report

Jack Tenison provided a report updating the status of various aspects of the DuPage National Technology Park project since the last Board meeting of November 14, 2005. Mr. Tenison stated that he sent a memo to the Board requesting direction regarding contract negotiations with a potential leaser for the operation of the communications facility. Chairman Gorski suggested that Mr. Tenison do a side by side cost revenue and overhead analysis.

Mr. Tenison stated that Fred Reynolds, CenterPoint Properties anticipates being able to submit another development plan in February and it will probably be the building that is required under the agreement and it will be located in either site N6 or N9.

Mr. Tenison stated that CenterPoint Properties has created a new website [www.dntp.com](http://www.dntp.com) for the Tech Park and encourages the Board to look at it.

### Project Engineer Report

Mark Wrzeszcz, Christopher B. Burke Engineering, Ltd. (CBBEL) gave a detailed report on the various projects of the Tech Park:

- *Kudrna & Associates* – The remaining work for construction observation is focused on the Loop Road, the communications building and the ponds.
- *Loop Road Mass Grading* – Lake County Grading Co. has completed all of the mass grading. The only outstanding item is to install the emergent plugs in the detention ponds in the spring of 2006. The site is ready for Plote Construction, Inc. to begin the roadway and utility construction work for the Loop Road.
- *Construction of Ring Road and Infrastructure* – Plote Construction Inc. has completed the project and the punch list items. The emergent plugs required for the detention ponds will be planted in May 2006.
- *Construction of Loop Road Infrastructure* – This project was awarded to Plote Construction and consists of construction of the sewer, water, lighting, street and the seeding of the parkway. Additionally the project includes completing the punch items on the Main Access Drive that were not completed by Harry W. Kuhn. It is anticipated that the project will be completed by July 2006
- *Duct Bank and Communication Building Project* – The Telecommunications Building is complete. Commonwealth Edison has provided electrical service to the building. JECC is working with Kudrna & Associates, Ltd. and Knight E/A to test all of the equipment in the building. The address for this building is 2505 Innovation Drive, West Chicago, IL 60185.

### Financial Reports

Mr. Tenison submitted the certification list of the checks from the State checking account from November 1, 2005 through December 31, 2005.

Mbr. Chicoine moved to approve corporate resolution 2006-1 entitled “Review and Approval of DuPage County Technology Park, N.F.P. State Checking Account Detail for the Period November 1, 2005 through December 31, 2005”. Seconded by Mbr. Huizenga. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

### Approval of 2006 Operating and Capital Budgets

Mr. Tenison stated that the Tech Park is finishing out the state grant funding and transitioning over to Airport funding and cash flow from the CenterPoint Properties Agreement. At the direction of Chairman Gorski, Mr. Tenison has been working with Wolf Capital and David Bird for the last two months on a financial plan for the future.

Karen Courney, Wolf Capital presented the operating and capital budgets to the Board and stated it was set up similar to the DuPage Airport Authority’s budget.

Mbr. Huizenga stated that it would be helpful to have a total column between the 2005 and 2006 total.

Mbr. Goodwin stated planning costs that have to do with specific development should come from the money that the Tech Park receives from CenterPoint Properties.

Mr. Tenison stated that Larry Eppley is in the process of drafting an agreement letter with CenterPoint Properties regarding shortfall of funds.

Chairman Gorski requested that David Bird contact Larry Eppley to find out the status of this letter.

Mbr. Goodwin stated that he will meet with Ms. Courney to discuss the possibility of reformatting the budget.

Mbr. Huizenga moved to approve corporate resolution 2006-2 entitled "Approval of 2006 Operating Budget". Seconded by Mbr. Gengler. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

#### Award Contract For Remediation of Former Gun Range

Mr. Tenison stated that this contract was rebid by Testing Services Corporation (TSC) and publicly advertised. Two responses were received, R.W. Collins Co. in the amount of \$47,240 and Alamo Construction bid was \$59,380. TSC is recommending awarding the contract to the low bidder R.W. Collins Co.

George Maurides, Maurides & Foley, L.L.C. stated that R.W. Collins included an alternate pricing line item for Site Restoration in the amount of \$8,650. Mr. Maurides stated that if the Tech Park awards the contract to R.W. Collins it will be subject to the Tech Park reducing the dollar amount for this line item.

Mbr. Goodwin moved to approve corporate resolution 2006-3 entitled "Award of DuPage National Technology Park Gun Range Remediation subject to the further condition that the restoration be not more than \$8,650.00". Seconded by Mbr. Chicoine. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

#### Approve Change Order to Plote Ring Road Contract For Work Related to Sanitary Sewer Augering Under an Existing Box Culvert

Mr. Tenison stated that Kudrna & Associates has requested a change order for the Ring Road contract with Plote Construction on work that has already been completed. In their memo Kudrna & Associates have certified the expenses after significant review and discussion with the contractor involved. Based on this Mr. Tenison is recommending Board approval for this change order in the amount of \$28,875.00.

Mr. Tenison explained that the manner in which the contracts are written the Tech Park pays for actual quantities used below the amount listed in the bid and the Tech Park does not pay any more than the original contract amount if the actual quantity is above that amount.

Mbr. Chicoine moved to approve corporate resolution 2006-4 entitled “Third Addendum to contract Document Number 01-294M for DuPage County Technology Park Plote-Ring Road Contract”. Seconded by Mbr. Huizenga. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

Approve Contract With Maurides & Foley for Legal Services From January 1, 2006 Through December 31, 2006

Mr. Tenison is recommending to the Board to approve entering into a one year contract with Maurides & Foley L.L.C. for legal services in an amount not to exceed \$75,000. Mr. Tenison stated that this amount is less than in the past and if there is a need for additional legal work he will come back to the Board and seek approval to change the contract.

Maurides & Foley L.L.C. has agreed to maintain the same per hour rate that was approved by the Board two years ago.

Mbr. Huizenga moved to approve corporate resolution 2006-5 entitled “Approval of Annual Service Agreement with Maurides & Foley, L.L.C.”. Seconded by Mbr. Gengler. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

Approve Contract With Christopher B. Burke Engineering, Ltd. for General Engineering Services and Overall Site Engineering Coordinator From January 1, 2006 Through December 31, 2006

Mr. Tenison is recommending to the Board to approve entering into a one year contract with Christopher B. Burke Engineering, Ltd. for general engineering services and overall site engineering coordinator in an amount not to exceed \$30,000.

Mbr. Gengler moved to approve corporate resolution 2006-6 entitled “Approval of Christopher B. Burke Engineering Ltd. Services and Overall Site Engineering Coordinator from January 1, 2006 through December 31, 2006”. Seconded by Mbr. Chicoine. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

Approve Contract With Christopher B. Burke Engineering, Ltd. for Completion During 2006 of Engineering Work Related to Easement Preparation, Roadway Landscape Bidding, Sidewalk Design and Intersection Improvements

Mr. Tenison stated the following items have been specified in the capital budget for 2006:

- Easement Preparation/Coordination
- Roadway Landscaping
- Sidewalk Total Engineering Design
- Intersection Improvements

The total for this contract would be for an amount not to exceed \$102,500 plus reimbursable expenses estimated to be \$10,250.

Mbr. Huizenga moved to approve corporate resolution 2006-7 entitled "Approval of Christopher B. Burke Engineering, Ltd. for Engineering Services for Easement Preparation, Roadway Landscape Bidding, Sidewalk Design and Intersection Improvements. Seconded by Mbr. Gengler. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

Approve Payment to Christopher B. Burke Engineering, Ltd. in the Amount of \$53,500.00 for Additional Required Work Completed in 2005 Beyond Scope of Original Final Design Contract

Mr. Tenison stated that during 2005 there were projects that came up that were unusually complex and time consuming. These projects fell into 5 categories:

- Items related to completing the Agreement with CenterPoint Properties
- Items related to resolving the compost issue
- Harry W. Kuhn contract issues
- Realignment of Route 38 issues
- Numerous general coordination meetings with utility companies such as ComEd, SBC and Nicor

Mr. Tenison stated that in late September 2005 Mr. Burke presented a list to him of services that had been completed but exceeded the Board's authorized "not to exceed" amount. The request amounts for additional services totaled \$87,500. Mr. Tenison stated that he had some questions and concerns after reviewing these submittals. Mr. Tenison discussed this issue with Mr. Burke and concluded that he could only support \$53,500 to address these outstanding issues. Mr. Burke has concurred with that proposed reimbursement although he believes the total submitted amount is justified. Mr. Tenison is recommending to the Board to approve payment in the amount of \$53,500 for the performance of these required engineering services.

Burke stated that many hours were spent on the environmental related work without a contract and the \$87,500 was a deduction from about \$120,000 that was actually spent. Mr. Burke stated the he has agreed to the amount of \$53,500.

Mbr. Goodwin stated that the Tech Park had a contract with CBBEL and the contract was exceeded. Mbr. Goodwin stated that Mr. Burke was courteous enough to go along with Mr. Tenison's concerns. Mbr. Goodwin stated that Mr. Tenison was representing the tax payers and the Tech Park Board very well by trying to reduce the amount.

Mbr. Goodwin moved to approve corporate resolution 2006-8 entitled "Approval of Payment to Christopher B. Burke Engineering for Engineering Services for Additional Services. Seconded by Mbr. Chicoine. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

Approve Contract With Wolf & Company for Accounting Services From January 1, 2006 Through December 31, 2006

Mr. Tenison is recommending to the Board to approve entering into a one year contract with Wolf & Company for general accounting services in an amount not to exceed \$62,000.

Mbr. Chicoine moved to approve corporate resolution 2006-9 entitled “Approval of Accounting Services Agreement with Wolf & Company, LLP”. Seconded by Mbr. Gengler. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

#### Approve Gas Main Extension Contract With Nicor Gas

Mr. Tenison stated that Nicor gas has determined the cost to provide natural gas service along Enterprise Circle will be \$27,058.89. This is for the area south of Fabyan. Mr. Tenison stated that it has been estimated in the budget for 2006 another \$60,000 for the area north of Fabyan.

Mbr. Huizenga moved to approve corporate resolution 2006-10 entitled “Award of Nicor Gas Main Extension Contract”. Seconded by Mbr. Chicoine. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

#### Route 38 Realignment Status

Mr. Tenison stated that there were several alternatives under review for the realignment of Route 38. Mr. Tenison stated there are individuals from DuPage County Department of Transportation and McDonough Engineering.

Mr. Burke gave an historical overview regarding the realignment of Route 38 and stated that CBBEL came up with an alternate design that would be a compromise between the original plan.

Chuck Tokarski, DuPage County D.O.T. stated that the design is an overpass and is below the flight path and that he has received a letter from the FAA indicating that they would approve the design.

Mbr. Goodwin stated that the DAA should take into account that it may be possible that at sometime the runway will be expanded and to make sure that the design would accommodate that possibility.

Mr. Tokarski stated the decision to have an overpass versus an underpass is for economic reasons; the construction cost of an underpass would be significantly higher.

Mbr. Goodwin stated there are two main considerations, the flight path and any possible interference with the airport and how this will impact the land value for the Tech Park. If the revised route results in diminished value for the commercial property and the airport is compensated for it then it should not make any difference but if not then it becomes an issue. More study has to be done with regard to the viability of the property between the Union Pacific and the proposed route.

Mr. Tokarski stated that he needs from a concept plan or a site plan from the DAA for plans on extending the runway to submit to the FAA.

Mbr. Goodwin stated that this issue will be referred to the Capital Development Committee of the DAA to consider any flight path interference and any diminished value of property and then the committee will make a recommendation to the Tech Park Board.

Mbr. Goodwin stated that an overpass will be a great improvement and it will help the Tech Park and the Airport.

Authorization to Increase 2005 Maurides & Foley Contract

Chairman Gorski stated that last year a substantial amount of time was committed to the Agreement To Develop and Lease with CenterPoint Properties that Maurides & Foley, L.L.C. provided additional legal services for the Technology Park. Mr. Tenison is recommending the Board to approve an increase of \$24,948.48 to the 2005 contract with Maurides & Foley L.L.C.

Mbr. Huizenga moved to approve with the modification of changing the \$27,058.89 to \$24,948.48 corporate resolution 2006-11 entitled "Approval of Annual Service Agreement with Maurides & Foley". Seconded by Mbr. Gengler. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

Old Business

Extension of Plote Construction and Christopher B. Burke Engineering Loop Road Payment Contingency Periods

Mr. Maurides stated that at the November 14, 2005 Board meeting two resolutions were passed 2005-21 Award of the Construction Contract for the Loop Road to Plote Construction and 2005-22 Award of the Resident Engineering Contract for the Loop Road to Kudrna & Associates. Both of these resolutions were contingent of the DAA' Board passing the resolutions that authorize payment of all funds needed to complete the contracts by January 31, 2006. Mr. Maurides stated that the DAA Board has not passed these resolutions and the date needs to be extended to February 28, 2006.

Mbr. Chicoine moved to approve corporate resolution 2006-12 entitled "Extension of Plote and CBBEL Loop Road Payment Contingency Periods". Seconded by Mbr. Goodwin. Roll call vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

New Business

None

Adjournment

With no further business remaining before the Board, the meeting was adjourned at 3:20 p.m. into Executive Session to on a motion by Mbr. Goodwin, seconded by Mbr. Gengler voice vote: 5 ayes: Chairman Gorski and Mbrs. Chicoine, Gengler, Goodwin and Huizenga. No nays. Motion carried.

Respectfully submitted,

Patti Miller