



## FOREST PRESERVE DISTRICT OF KANE COUNTY

### COMMISSION MINUTES

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#### I. Call to Order

The Forest Preserve District Commission meeting was held Tuesday, November 22, 2022 at 8:30 AM at Kane County Government Center, 719 S. Batavia Ave., Bldg. A, Geneva, IL 60134. The meeting was opened by President Chris Kious at 8:30 AM. Remote=\*

#### II. Pledge of Allegiance

*President Kious asked CFO Ken Stanish to lead the pledge.*

#### III. Roll Call

President Chris Kious	Present
Commissioner Deborah Allan	Absent
Commissioner Mavis Bates	Present
Commissioner Dale Berman	Present
Commissioner David Brown	Present
Commissioner Mark Davoust	Absent
Commissioner Ron Ford	Present
Commissioner Drew Frasz	Present
Commissioner Michelle Gumz	Present*
Commissioner Mo Iqbal	Present
Commissioner Michael Kenyon	Present
Commissioner Tom Koppie	Absent
Commissioner Bill Lenert	Present
Commissioner Anita Lewis	Present*
Commissioner John Martin	Present
Commissioner Myrna Molina	Present*
Commissioner Jarett Sanchez	Present (Arrived in person @ 8:32 AM)
Commissioner Kenneth Shepro	Absent
Commissioner Monica Silva	Present*
Commissioner Cheryl Strathmann	Present
Commissioner Clifford Surges	Absent
Commissioner Vern Tepe	Present
Commissioner Barbara Wojnicki	Present
Board Member Todd Wallace	Present*

#### Others Present:

Exec. Dir. Meyers; CFO Stanish & staff Petschke, Marano\*; NRM Dir. Haberthur; Dir. Comm. Affairs Metanchuk; Chief of Planning & Land Mgt. Rooks-Lopez; Dir. of Ops. Pentecost; Chief of Police Burger; Attorney Hodge; Exec. Assist. Figliozzi and members of the public.

**IV. Public Comment (Each Speaker is limited to 3 minutes)**

*None.*

**V. New or Unfinished Business**

**A. FP-R-22-11-2988 Resolution Authorizing Delivery of Demand Notice and Conditional Notice of Termination of License Agreement**

*President Kious presented the resolution included in the agenda packet.*

**DISCUSSION:** *None.*

<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Drew Frasz, Commissioner
<b>SECONDER:</b>	Dale Berman, Commissioner
<b>AYES:</b>	Mavis Bates, Dale Berman, David Brown, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Vern Tepe, Barbara Wojnicki, Todd Wallace
<b>ABSENT:</b>	Deborah Allan, Mark Davoust, Tom Koppie, Kenneth C. Shepro, Clifford Surges

**VI. Closed Session to Discuss Land Acquisition, License Agreements, Potential Litigation, and Personnel**

*None.*

**VII. Communications**

*None.*

**VIII. President's Comments**

*None.*

**IX. Adjournment**

*The meeting adjourned at 8:34 AM.*

<b>RESULT:</b>	<b>ADJOURNED BY VOICE VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Kenyon, Commissioner
<b>SECONDER:</b>	Todd Wallace, Board Member
<b>AYES:</b>	Mavis Bates, Dale Berman, David Brown, Ron Ford, Drew Frasz, Michelle Gumz, Mo Iqbal, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, John Martin, Myrna Molina, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Vern Tepe, Barbara Wojnicki, Todd Wallace
<b>ABSENT:</b>	Deborah Allan, Mark Davoust, Tom Koppie, Kenneth C. Shepro, Clifford Surges

Chris Kious, Chairman  
Forest Preserve District Commission  
Forest Preserve District of Kane County

Respectfully Submitted,

Gabriella Figliozzi

Gabriella Figliozzi  
Recording Secretary

Myrna Molina

Myrna Molina  
Board Secretary



# Forest Preserve District Commission Agenda

Government Center  
719 S. Batavia Ave., Bldg. A  
Geneva, IL 60134

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Tuesday, November 22, 2022

8:30 AM

County Board Room

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## Special Meeting

- I. **Call to Order**
- II. **Pledge of Allegiance**
- III. **Roll Call**
- IV. **Public Comment (Each Speaker is limited to 3 minutes)**
- VI. **New or Unfinished Business**
  - A. FP-R-22-11-2988 Resolution Authorizing Delivery of Demand Notice and Conditional Notice of Termination of License Agreement
- VII. **Closed Session to Discuss Land Acquisition, License Agreements, Potential Litigation, and Personnel**
- VIII. **President's Comments**
- IX. **Adjournment**

Adjournment Until: Tuesday, December 13, 2022 at 9:00 a.m. in person at the Kane County Government Center 719 S. Batavia Ave., Bldg. A, 2nd fl. Geneva, Illinois 60134 and via zoom <https://zoom.us/j/6302325980?pwd=aURTSGJoRIVJNDRCcHJXd3dvaVVRUT09>

Meeting ID: 630 232 5980 Password: 24680 The Request to Speak Form on our website must still be completed for guests to speak at the meeting.



KINNALLY FLAHERTY  
KRENTZ LORAN HODGE & MASUR PC

ATTORNEYS AT LAW

November 22, 2022

EXHIBIT A

Dr. Robert Froehlich  
Kane County Cougars Offices  
34 W 002 Cherry Lane  
Geneva, IL 60134

Re: Demand for Payment 2021 and 2022 License Fees

Dear Dr. Froehlich:

Please be advised that I represent the Forest Preserve District of Kane County (the "District"). The District has considered your offer for reduced payments of outstanding license fee obligations of the Kane County Cougars, Cougar Baseball Partnership and American Sports Enterprises, Inc. (collectively the "Cougars") for scheduled and played baseball seasons in calendar years 2021 and 2022. The District acknowledges receipt of your recent payment of \$175,000.00 and credits same against the 2021 accrued license fee obligations. Demand is hereby made for the balance of payments which have accrued for 2021 and 2022 in the amount of \$725,000.00 (\$100,000.00 additional will be coming due on December 31, 2022 and is expected to be timely made, as well as all License Fees for calendar year 2023, as the same come due). Failure to pay the full amount due presently in the amount of \$725,000 prior to December 31, 2022 shall be considered a material default pursuant to Section 10.01 a) of the Second Amended and Restated License Agreement dated June 4, 2014, as amended (the "License Agreement"), and the License Agreement shall be considered terminated effective as of the end of the 2023 baseball season, at which point full possession of the Premises must be returned to the District. If the default is timely cured, then this possession termination shall be void.

The District expressly reserves all additional rights and remedies afforded to it pursuant to the License Agreement, including but not limited to the recovery rights set forth under Section 10.02 of the License Agreement. The District will not defer an action for recovery of unpaid license fees in the interim possessory period through the end of the 2023 baseball season, but acknowledges that it will not interfere with the Kane County Cougars' rights to use and occupy the Stadium and Premises and to schedule and host its games during the 2023 season.

PATRICK M. FLAHERTY | PAUL G. KRENTZ | JOSEPH C. LORAN | GERALD K. HODGE | MARK MASUR

PATRICK KINNALLY (RETIRED)



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KINNALLY FLAHERTY  
KRENTZ LORAN HODGE & MASUR PC

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Dr. Robert Froehlich  
November 22, 2022  
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Govern yourself accordingly.

Sincerely yours,

KINNALLY, FLAHERTY, KRENTZ,  
LORAN, HODGE & MASUR, P.C.,

Gerald K. Hodge  
[ghodge@kfkllaw.com](mailto:ghodge@kfkllaw.com)

GKH/nb