

ITEM H

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 2, 2014 AGENDA**

Subject:	Type:	Submitted By:
AMEND LOTTERY OPERATOR AGREEMENT – TICKET REDEMPTION PERIOD	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAMELA A. BUETHE CITY CLERK

SYNOPSIS

A resolution has been prepared to amend the Lottery Operator Agreement to permit up to thirty (30) days to redeem winning keno lottery tickets.

FISCAL IMPACT

None.

RECOMMENDATION

Approval

BACKGROUND

Currently the Lottery Operator Agreement permits up to twenty four (24) hours to redeem winning keno lottery tickets. La Vista Keno has requested this be changed to better serve their customers. Big Red, Ralston, and Papillion allow customers one year to redeem keno tickets. La Vista Keno is requesting thirty (30) days. This amendment would authorize the contractor to extend the time to redeem winning keno lottery tickets from twenty four (24) hours to thirty (30) days.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE LOTTERY OPERATOR AGREEMENT.

WHEREAS, the Contractor desires to amend the Lottery Operator Agreement to expressly permit up to thirty (30) days to redeem winning keno lottery tickets; and

WHEREAS, an amendment to the Lottery Operator Agreement has been prepared to allow the Contractor to set the time period for redemption of winning keno lottery tickets for a period specified in written rule established by the Contractor, which time period shall be no longer than thirty (30) days after the date shown on the ticket; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the Lottery Operator Agreement dated August 8, 2008, as presented at this meeting, is hereby approved and the Mayor and City Clerk are hereby authorized to execute said amendment on behalf of the City of La Vista.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of La Vista Nebraska that this amendment will go into effect upon execution of the agreement.

PASSED AND APPROVED THIS 2ND DAY OF SEPTEMBER, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

LOTTERY OPERATOR AGREEMENT
AMENDMENT NO. 2

THIS AMENDMENT NO. 2 TO LOTTERY OPERATOR AGREEMENT is made and entered into this _____ day of _____, 2014, by and between La Vista Keno, Inc., a Nebraska corporation (hereinafter referred to as "Contractor") and the CITY OF LA VISTA, Sarpy County, Nebraska, a municipal corporation (hereinafter referred to as "City").

R E C I T A L S:

WHEREAS, a majority of the vote by the registered voters of the City of La Vista was cast in favor of authorizing the establishment of a municipal lottery in 1989; and

WHEREAS, the Mayor and City Council established a keno-type lottery and awarded successive contracts to operate said lottery, the current of which is the Lottery Operator Agreement between City and Contractor dated August 8, 2008, as amended by Amendment No. 1, ("Lottery Operator Agreement" or "Agreement"); and

WHEREAS, the Contractor recommends, and the Mayor and City Council of the City of La Vista and Contractor desire, to amend said Lottery Operator Agreement to expressly permit up to thirty (30) days to redeem winning keno lottery tickets.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge and agree, the parties hereto agree as follows:

I. Each winning Keno Lottery ticket, unless otherwise required by applicable laws, rules or regulations, must be redeemed within the time period specified in written rule established by the Contractor, which time period shall be not longer than thirty (30) days after the date shown on the ticket, and all provisions of the Lottery Operator Agreement shall be deemed modified and amended accordingly. The Contractor shall provide any required notice of time restrictions for redeeming winning tickets in accordance with applicable laws, rules and regulations.

II. Except as expressly modified herein, the Lottery Operator Agreement shall continue and remain in full force and effect in accordance with the terms and conditions set forth therein.

IN WITNESS WHEREOF, the Contractor and the City have executed this Amendment No. 2 on the date first written above.

ATTEST:

La Vista Keno, Inc., a Nebraska
corporation

Witness

By _____
Richard T. Bellino, President

ATTEST:

CITY OF LA VISTA, NEBRASKA, a Municipal
Corporation

City Clerk

By _____
Mayor

GUARANTY

By signing below, I, Richard T. Bellino, hereby personally guaranty full performance and all debts and obligations of La Vista Keno, Inc. ("Contractor") arising out of or resulting from the Lottery Operator Agreement between Contractor and the City of La Vista ("City"), as modified by Amendment No. 1 and as modified by Amendment No. 2 above; and I agree to hold the City harmless from, and indemnify it against, any and all claims, liabilities, losses, suits, judgments and expenses whatsoever (including, but not limited to, attorneys fees and court costs) arising out of or resulting from any breach, negligence, act or omission of, arising out of or resulting from said Agreement, as amended.

DATED this _____ day of _____, 2014.

Richard T. Bellino, Guarantor

LaVista Keno, Inc.
7101 S 84th St
La Vista, NE 68128

7/07/2014
Pam Buethe
La Vista City Clerk
8116 Park View Blvd
La Vista, NE 68128

Dear Ms Buethe,

LaVista Keno is asking the City of LaVista's consideration into the following topic: As of this date our contract states that all Keno customers tickets must be redeemed within 24 hours. Customers have voiced their disapproval on this matter as Big Red, Ralston and Papillion allow customers one year to redeem Keno tickets. We feel one year is excessive, so we are asking for the cities approval to allow our customers 30 days to redeem their Keno tickets. LaVista Keno feels that we are losing customers because of this section in our contract with the city and hope we can come to an agreement on this subject. If you have any questions, please feel free to contact me at 402-339-1606 or at lavistakeno@yahoo.com. Thank you for your time and consideration.

Sincerely,

Colleen Olson
Colleen Olson
General Manager