

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 16, 2025 AGENDA

Subject:	Type:	Submitted By:
AMENDMENT – KENO OPERATOR AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

SYNOPSIS

A resolution has been prepared to approve the Sixth Amendment to the current Keno Lottery Operator Agreement which would extend the Agreement to December 31, 2030.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The current Keno Lottery Operator Agreement has been in effect since 2008, with LVK Holdings LLC undertaking operation of the game pursuant to an assignment in 2016, expiring December 31, 2025. A proposed sixth Amendment is presented that would extend the current Lottery Operator Agreement to December 31, 2030.

These changes are subject to the Nebraska State Department of Revenue Gaming Division approval.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SIXTH AMENDMENT TO THE CITY'S KENO LOTTERY OPERATOR AGREEMENT.

WHEREAS, a proposed SIXTH AMENDMENT to the City's Keno Lottery Operator Agreement, as previously amended, is presented and incorporated into this resolution by reference ("Proposed Fifth Amendment").

NOW, THEREFORE, BE IT RESOLVED that the Proposed Sixth Amendment is approved, subject to any additions, subtractions or modifications the Mayor or City Administrator determines necessary or appropriate, ("Amendment").

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Amendment on behalf of the City, and the Mayor and City Administrator, or any designee of the Mayor or City Administrator, shall be authorized to take any action from time to time on behalf of the City as he or she determines necessary or appropriate to carry out the City's Lottery Operator Agreement, as amended by the Amendment.

PASSED AND APPROVED THIS 16TH DAY OF SEPTEMBER 2025.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Rachel D. Carl, CMC
City Clerk

LA VISTA LOTTERY OPERATOR AGREEMENT
SIXTH AMENDMENT

THIS SIXTH AMENDMENT TO LOTTERY OPERATOR AGREEMENT ("Amendment") is made and entered into by and among the City of La Vista, Sarpy County, Nebraska, a municipal corporation ("City"), LVK Holdings LLC, a Nebraska limited liability company, ("Contractor"), and EHPV Lottery Services LLC, a Nebraska limited liability company and owner of a controlling interest of the membership interests of Contractor ("Holding Company"), effective October 1, 2025 (the "Effective Date").

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

WHEREAS, the Mayor and City Council established a keno-type lottery ("La Vista Keno") and awarded successive contracts to operate said lottery, the current of which is the Lottery Operator Agreement between City and Contractor, as assignee effective May 1, 2016, pursuant to the Assignment and Assumption of the Lottery Operator Agreement between City and La Vista Keno, Inc. dated August 8, 2008, as amended, ("Lottery Operator Agreement" or "Agreement"). The most recent amendment was the LA VISTA LOTTERY OPERATOR AGREEMENT FIFTH AMENDMENT, extending the Agreement to end on December 31, 2025; and

WHEREAS, EHPV Management Group Inc, EHPV Operating Group LLC, and EHPV Real Estate Group LLC and their respective subsidiaries (including without limitation Endgame LLC, a Nebraska limited liability company, wholly owned and controlled subsidiary of EHPV Real Estate Group LLC and sole owner of the Real Estate) are under common ownership and control with Contractor and Holding Company and together own, manage, operate, and control the Real Estate and other property, assets, rights, and activities connected with La Vista Keno and food, beverage and other operations conducted in conjunction with La Vista Keno or otherwise by Contractor and Holding Company; and

WHEREAS, the parties desire to amend and extend the Agreement for an additional period, beginning October 1, 2025 and ending December 31, 2030, and make other changes to the Agreement as detailed below.

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

- I. The Agreement is amended and extended for an additional period, beginning October 1, 2025 and ending December 31, 2030 ("Extension Period").

II. Contractor and City agree to Contractor's operation of the City's keno lottery game during the Extension Period as described in La Vista Keno's Proposal for Contract Renewal and Keno System Changes dated August 8, 2025 ("Proposal"), attached to this Amendment and incorporated herein by this reference, including without limitation use of such equipment, hardware, software and supplies in connection with the City's game during the Extension Period as described in such Proposal; provided:

- (1) During the Extension Period, Contractor will continue the manual ball draw system, or a comparable replacement manual ball draw system, in use in the operation of the City's game as long as reasonably practicable. If Contractor at any time during the Extension Period determines that, due to lack of replacement parts, updates, servicing or support, a manual ball draw system no longer can be used in the operation of the City's game, Contractor will give the City Administrator 30 days prior written notice of the same, and of the timing and system to replace the manual ball draw system. If possible, any such replacement will be phased in and otherwise implemented as reasonably practicable to minimize potential disruption or adverse impact to the City's keno game, its operations, players or revenues; and
- (2) The Proposal describes a number of systems upgrades. Any other changes to any systems used in the operation of the City's keno lottery game will be subject to prior approval of the City Council, except for any changes to systems that are required by applicable laws or regulations or are expressly permitted by other provisions of the Agreement, as previously amended.

III. The City consents to the following in connection with the Contractor's operation of the City's keno lottery game: The sale of digital-on-premises keno lottery tickets, issued in connection with the City's keno lottery game in accordance with the Nebraska County and City Lottery Act and regulations issued pursuant thereto by the Nebraska Department of Revenue, at each location in the City which is or becomes approved by City and licensed by the Nebraska Department of Revenue as a keno lottery location of the City's game, including the main location, and each approved and licensed satellite keno location.

IV. All terms and conditions of the Agreement shall be deemed modified to be consistent with the changes made by this Amendment.

V. Terms used in this Amendment shall have the meanings provided in the Agreement, unless otherwise expressly defined in this Amendment. Recitals are incorporated into this Amendment by reference.

VI. Except as expressly modified by this Amendment, the Agreement shall continue and remain in full force and effect in accordance with the terms and conditions set forth therein. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Contractor, City, and Holding Company have executed this Sixth Amendment effective as of the Effective Date above.

ATTEST:

LVK Holdings LLC, a Nebraska limited liability company

Witness

By: _____

Date: _____

Its: _____

ATTEST:

City of La Vista, a Nebraska municipal corporation

City Clerk

By: _____

Date: _____

Its: _____

ATTEST:

EHPV Lottery Services LLC, a Nebraska limited liability company

Witness

By: _____

Date: _____

Its: _____

Date: _____

Affiliated Entities Agreement

By signing below, (i) the undersigned each hereby represents and warrants that he or she is authorized to execute this Affiliated Entities Agreement on behalf of EHPV Management Group Inc, EHPV Operating Group LLC, or EHPV Real Estate Group LLC, as the case may be (each referred to as "company"), and (ii) the undersigned on behalf of said company hereby agrees to take any actions, including without limitation voting any membership or other interests of the company in any subsidiary, as necessary or appropriate to carry out the terms and conditions of the Lottery Operator Agreement, as amended by the Sixth Amendment, with respect to any real property or other assets, operations, activities, interests, or matters now or hereafter under the ownership, direction, or control of said company or any subsidiary of company that are connected with La Vista Keno operations or food, beverage or other operations conducted in conjunction with La Vista Keno or at or from the same premises.

EHPV Management Group Inc., a Colorado corporation authorized to do business in Nebraska

ATTEST:

Witness

Date: _____

ATTEST:

Witness

Date: _____

ATTEST:

Witness

Date: _____

By: _____

Its: _____

Date: _____

EHPV Operating Group LLC, a Nebraska limited liability company

By: _____

Its: _____

Date: _____

EHPV Real Estate Group LLC, a Nebraska limited liability company

By: _____

Its: _____

Date: _____

