

VILLAGE OF HADAR

(402) 379-1720

www.thevillageofhadar.com

Minutes of: Regular Village Meeting

Place: Hadar Community Hall

Date: June 12, 2017

Time: 7:30 pm

Submitted by: Ami Stubben-Goetsch

Title: Clerk

Board Members Present: Richard Lutz, Sidney Sudbeck, Val Riedel, Robert Wehrer, and Gene Schwede. Others Present: Carol Lutz, Kevin Andersen, Dave Cummings, Gary Schuett, Adrian Rathgeber, Susan Craft, Nick Thielen and Sharon Koeppe.

Lutz called meeting to order. Roll call taken: Lutz, Sudbeck, Wehrer, Schwede, and Riedel in attendance. Lutz informed public as to current copy and public accessibility of Open Meetings Act. Motion made by Wehrer to accept May minutes as written, second by Riedel. All in favor. Motion carried. Stubben-Goetsch read the official treasurer report for May. Motion made by Sudbeck to accept May official treasurer report, second by Schwede. All in favor. Motion carried.

Old Business:

Nick Thielen of EHPV Management Group was present and went over the Keno Resolutions as follows:

Roll call vote taken for **Resolution #061217**. Wehrer, yes; Sudbeck, yes; Schwede, yes; Riedel, yes. Motion carried.

WHEREAS, under provisions of the Interlocal Cooperation Act, NEB. REV. STAT. §§ 13-801—13-827, the Village of Hadar (“Hadar”) is authorized to enter into an interlocal agreement (the “Interlocal Agreement”) to provide for the establishment and operation of one or more keno satellite locations in Hadar by the City of Norfolk (“Norfolk”) pursuant to Norfolk’s August 4, 2008, Lottery Operator Agreement and July 15, 2013, Renewal Agreement (together, the “Lottery Operator Agreement”) with EHPV Lottery Services LLC and Endgame Lottery Services LLC, both Nebraska Limited Liability Companies (collectively, the “Lottery Operator”); and

WHEREAS, Hadar desires to enter into such Interlocal Agreement to provide keno satellite locations in Hadar.

IT IS THEREFORE RESOLVED by the Village Board that it is in the best interests of Hadar to enter into an Interlocal Agreement for the operation of keno facilities in Hadar, and that Hadar should enter into an agreement with Norfolk to allow the establishment and operation of such keno satellite facilities under the Norfolk Lottery conducted by the Lottery Operator pursuant to the Lottery Operator Agreement. That pursuant to this Resolution, Hadar is authorized to execute and approve the Interlocal Agreement with Norfolk, a copy of said Interlocal Agreement is attached hereto and incorporated by this reference as if fully set forth herein.

IT IS FURTHER RESOLVED that the Village Board Chair and Village Clerk are hereby authorized to execute and deliver the Interlocal Agreement with Norfolk, and any other documents required to facilitate the establishment and operation of keno satellites in Hadar by the Norfolk Lottery conducted by the Lottery Operator pursuant to the Lottery Operator Agreement.

This resolution shall be in full force and effect from and following the passage and publication hereof as required by law.

PASSED AND APPROVED THIS 12th of June, 2017.

Roll call vote taken for **Resolution #061217A**. Wehrer, yes; Sudbeck, yes; Schwede, yes; Riedel, yes. Motion carried.

A RESOLUTION APPROVING AMENDMENT TO THE LOTTERY OPERATOR AGREEMENT BETWEEN THE VILLAGE OF HADAR AND EHPV LOTTERY SERVICES LLC.

WHEREAS, Hadar is party to a Lottery Operator Agreement (“Hadar Lottery Operator Agreement”) providing for the operation of a lottery within the corporate limits of Hadar by EHPV Lottery Services LLC (“Lottery Operator”) as successor to Midwest Big Red Lottery Services Ltd.; and,

WHEREAS, the City of Norfolk is party to a separate Lottery Operator Agreement (“Norfolk Lottery Operator Agreement”) with the Lottery Operator and the Lottery Operator’s subsidiary Endgame Lottery Services LLC for the operation of a lottery within the corporate limits of Norfolk; and,

WHEREAS, Hadar is entering into an interlocal agreement with the City of Norfolk (the “Interlocal Agreement”) providing for the establishment and operation of the Norfolk Keno Lottery in satellite sales outlet locations in Hadar operated pursuant to the Norfolk Lottery Operator Agreement; and,

WHEREAS, the Village of Hadar and the Lottery Operator have agreed to Amend the Hadar Lottery Operator Agreement to accommodate the operation of the Norfolk Keno Lottery in Hadar pursuant to the Interlocal Agreement.

BE IT RESOLVED by the Village Board of the Village of Hadar, Nebraska that the Hadar Lottery Operator Agreement between Hadar and the Lottery Operator for the operation of a lottery in Hadar is amended as set forth in the attached Amendment.

BE IT FURTHER RESOLVED that the Village Board Chair and the the Clerk are authorized to sign the Amendment.

This resolution shall be in full force and effect from and following the passage and publication hereof as required by law.

PASSED AND APPROVED THIS 12th of June, 2017.

Roll call vote taken for **Resolution #061217B**. Wehrer, yes; Sudbeck, yes; Schwede, yes; Riedel, yes. Motion carried.

WHEREAS, under provisions of the Interlocal Cooperation Act, NEB. REV. STAT. §§ 13-801—13-827, the Village of Hadar (“Hadar”) has entered into an interlocal agreement (the “Interlocal Agreement”) to provide for the establishment and operation of one or more keno satellite locations in Hadar by the City of Norfolk (“Norfolk”) pursuant to Norfolk’s Lottery Operator Agreement (the “Lottery Operator Agreement”) with EHPV Lottery Services LLC and Endgame Lottery Services LLC, both Nebraska Limited Liability Companies (collectively, the “Lottery Operator”).

WHEREAS, Village Inn, 104 W. Main Street, Hadar, Nebraska desires and has requested to become a keno satellite operation under the Norfolk Lottery.

WHEREAS, Hadar has determined that said facility is an appropriate keno satellite facility.

NOW THEREFORE, IT IS RESOLVED by the Village Board that Village Inn located at 104 W. Main Street, Hadar, Pierce County, Nebraska is approved for the operation of keno facilities in Hadar

under the Norfolk Lottery conducted by the Lottery Operator pursuant to the Lottery Operator Agreement, and all pursuant to the Interlocal Agreement between Hadar and Norfolk for the operation of a keno lottery.

BE IT FURTHER RESOLVED that the said operation by Village Inn of the keno satellite facility shall be governed by the village ordinances and resolutions for the Village of Hadar relating to location qualifications and standards as adopted from time to time.

This resolution shall be in full force and effect from and following the passage and publication hereof as required by law.

PASSED AND APPROVED THIS 12th of June, 2017.

Roll call vote taken for **Resolution #061217C**. Wehrer, yes; Sudbeck, yes; Schwede, yes; Riedel, yes. Motion carried.

A RESOLUTION ESTABLISHING QUALIFICATION STANDARDS FOR ANY BUSINESS SEEKING TO HAVE ITS LOCATION QUALIFY AS AN AUTHORIZED SALES OUTLET LOCATION FOR CONDUCTING THE KENO LOTTERY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF HADAR, NEBRASKA.

BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF HADAR, NEBRASKA:

SECTION 1. The following qualification standards are established by the Village of Hadar and must be met by any individual, sole proprietorship, partnership, limited liability company, or corporation seeking to have its location qualify as an authorized sales outlet location for conducting keno lottery within the corporate limits of the Village of Hadar.

(1) Each applicant for a keno sales outlet location shall submit to the Village of Hadar:

(a) A copy of the completed Nebraska Schedule II/Form 50g-County/City Lottery Sales Outlet Location application as required by the Division of Charitable Gaming of the Nebraska Department of Revenue.

(b) A copy of the written agreement between the lottery operator and the sales outlet location, hereinafter referred to as "satellite location".

(c) Any other information reasonably requested by the Village of Hadar.

(2) The Village of Hadar must be immediately notified of any interruption or cessation of operations at any keno satellite location. The Village Board will approve all satellite locations subject to the procedures and criteria set forth herein by resolution prior to the licensing of said satellite location and the conducting of any keno lottery operation there.

(3) The direct or indirect transfer of any financial interest in the satellite location will automatically terminate the Village's approval of said satellite location provided, however, the satellite operator will be permitted to remain in operation for a period not to exceed one hundred twenty (120) days under an agency agreement with the prior existing satellite operator. During said one hundred twenty (120) day period, the applicant will diligently pursue the application process and procedure. Also during said one hundred twenty (120) day period the Village may revoke continued operation of the proposed application for due cause. Conduct of the keno lottery at said satellite location will thereafter continue only upon application to the Village of Hadar and approval thereof pursuant to the terms and conditions of this resolution.

(4) Satellite Keno Location Criteria.

(a) All locations must provide the number of off-street parking stalls required by the regulations of the Village of Hadar.

(b) All locations must provide seating capacity sufficient to accommodate persons who may wish to come to the location to observe or play keno or to engage in any other activities conducted on the premises.

(c) All locations must have sufficient facilities to permit the sale of keno tickets.

(d) All locations must have a board or other monitor, clearly visible to players, on which the winning numbers are displayed.

(e) All locations must have proper security for the keno lottery operations and associated activities.

(f) All persons with any direct or indirect financial interest in the operation of keno at any location must be of good character and financially responsible.

(g) The operation of the keno lottery at any satellite location must not create any undue impact on the surrounding neighborhood due to noise, congestion, or other circumstances.

(h) All locations and operations at all locations must meet all requirements of applicable federal, state, and local law.

SECTION 2. This resolution supercedes and replaces any and all prior resolutions of this Village regarding qualification standards for keno sales outlets. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 3. This resolution will be in full force and effect from and following the passage and publication hereof as required by law.

PASSED AND APPROVED THIS 12th of June, 2017.

Roll call vote taken for **Resolution #061217D**. Wehrer, yes; Sudbeck, yes; Schwede, yes; Riedel, yes. Motion carried.

A RESOLUTION ESTABLISHING RESTRICTIONS ON PARTICIPATION IN THE KENO LOTTERY CONDUCTED IN THE VILLAGE OF HADAR.

BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF HADAR,
NEBRASKA:

SECTION 1. No individual under the age of 19 shall play or participate in any way in the keno lottery established and conducted in the Village.

SECTION 2. No owner or officer of a lottery operator conducting a lottery in the Village shall play such lottery at any time.

SECTION 3. No employee or agent of the Village, lottery operator, or sales outlet location shall play the keno lottery conducted in the Village during such time as he or she is actually working at such

lottery or while on duty for the lottery. This restriction also prohibits an individual from purchasing a multirace ticket for which some or all of the games will be called while the individual is on duty.

SECTION 4. Nothing herein shall prohibit the playing of any lottery conducted in the Village by any member of the Village Board, a Village official, or the immediate family of any such member or official, except as otherwise expressly prohibited by this resolution.

SECTION 5. This resolution supercedes and replaces any and all prior resolutions of this Village regarding restrictions on participation in the keno lottery. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 6. This resolution shall be in full force and effect from and following the passage and publication hereof as required by law.

PASSED AND APPROVED THIS 12th of June, 2017.

Dave Cummings discussed the prize fund that will need to be paid out to the Village of Hadar with the new contract starting. This fund is approximately \$22,000. Dave asked the village to consider making a donation to the Village Inn as the Dave Cummings Donation Fund. This will be placed on the July agenda for further discussion. A brief discussion took place regarding the new fire hall update. Schuett stated they have met with an engineer and several ideas have been proposed. Discussed water run-off and needing two wells to have in place in case of a disaster ever occurring. Schuett spoke with the Pierce County Courthouse and in order to merge the city and rural fire board together to tax everyone equally this would have to be completed by August 1, 2017. If the merge is approved this would do away with the \$1,000 contract that currently exists between the Village of Hadar and Hadar Rural Fire Department. The Rural Fire Board will be meeting on Tuesday, June 20th at the 8:00pm. Said meeting will be held at the meeting room at the fire hall. The village council is invited to attend. Discussion took place regarding the motor vehicle ordinance. Wehrer has met with community members in violation of the ordinance and has explained to them that they have thirty days to license or remove their vehicles. The list will be reviewed at the council meeting in July. Anyone in violation of the motor vehicle ordinance will receive a certified letter and a reminder of the \$500 per day violation. Wehrer discussed the Richard Switzer Memorial Horseshoe Tournament that took place on June 11th. It went over well and drew approximately forty people to the event. There were sixteen players. Prize money of \$60 for the A Division and \$40 for the B Division appeared to be a nice incentive. There were players from all over such as Wynot, Fordyce and Hartington. The Village Inn sold hamburgers and hot dogs at the event which added to the festivities.

New Business: A motion was made by Wehrer to grant Adrian Rathgeber permission to tear out an abandoned sidewalk that has been buried on his property for over forty years, seconded by Sudbeck. All in favor. Motion carried. Discussion took place regarding the zoning board and making sure the proper protocol is taking place. There should be a form attached with the building permit that is signed off by the zoning board before it goes before the council to approve. We must make sure to double check that we have everything before voting. Kevin Andersen was present to discuss a building permit. Discussion took place on the zoning board protocol and Andersen gave his information to Sharon Koeppe to present to the zoning board. Andersen's building permit will be placed on the July agenda. Sharon Koeppe discussed some repairs that need taken care of in the women's restroom at the park. There is a crack in the inside shower on the north side of the wall. This crack needs sealed as well as some of the cracks in the men's restroom. Schwede will take care of these repairs. Koeppe also gave an update on trees that need replaced. Koeppe indicated two Shurmard Oak trees could be moved from both ends to fill in some spaces. There are two other trees that need replaced. Advised not to move until the end of summer. Shamrock Nursery will replace the tree north of the picnic shelter that did not survive as there is a one-year warranty on it. Koeppe also gave her resignation effective the end of July.

Dept. Updates:

Riedel indicated the manhole cover north of the bridge has pavement that is caving away on the west side. Sudbeck will stop by and check it out. The cul-de-sac needs taken care of to prevent flowing back up into yards. Sudbeck and Lutz will go spray it at sunset and Sudbeck will repair it.

Discussion took place regarding the park and the condition of the see saws. Schwede will remove the planks for now so that nobody gets injured on them. Riedel will research some quotes on replacing the see saws and will review again at the July board meeting. Schwede reminded everyone that lawn bowling is on Tuesday evenings at 7:30pm and would love to see more people attend. Lutz has been working on splitting the clutch on the tractor. It appears that hydraulic oil may be leaking. The hydraulic valve needs repaired or replaced. If Lutz can get a kit then he can repair it if not he will have to replace it. Schwede brought up an issue where he was notified of someone pushing trees into the creek.

Concerned it will wipe out the bridge. This is out of the jurisdiction of the Village of Hadar. The Core of Engineers will have to look into this. They will fine whoever dumped the trees. Schwede said the air compressor blows a fuse as soon as you turn it on. Motion made by Sudbeck to purchase a new air compressor, seconded by Riedel. All in favor. Motion carried.

Elkhorn Valley Bank-General Fund: Receivables: ATV Registration \$60.00; Camper Pad Rentals \$294.00; Community Building Rental \$75.00; Dog License \$5.00; Fire Hall Rental \$135.00; HRE Assessment \$150.00; Pierce County Treasurer \$12,899.42, Pierce County Treasurer \$5,876.86; State of NE (June Highway Allocation) \$3,064.57 **Payroll:** Richard Lutz \$115.43; Val Riedel \$80.80; Gene Schwede \$625.45; Brad Spreeman \$78.50; Ami Stubben-Goetsch \$546.80; Sidney Sudbeck \$162.25; Robert Wehrer \$99.27 **Payable List:** Cable One \$63.44; Century Link (Community Building) \$80.03; Century Link (Fire Hall) \$58.98; EMC Insurance \$1,127.36; ERPPD \$830.40; EVB-Sewer Fund \$450.00 (loan repayment); John's Disposal \$95.00; Meisinger Oil \$124.75; Menards \$24.11; M&M Sanitation \$66.00; One Office Solution \$79.86; Pierce County Leader \$76.61; Postmaster \$62.00; Town & Country Insurance \$100.00 **Elkhorn Valley Bank-Keno Fund: Receivables:** Keno Process Commissions \$1,992.51 **Elkhorn Valley Bank-Sewer Fund: Receivables:** ERPPD Sewer Collections \$1,765.64; EVB General Fund Loan Repayment \$450.00 **Payable List:** ERPPD Electric \$161.56; ERPPD Sewer Billing \$387.00 **EVB-CD:** Balance \$22,075.79 **Midwest Bank-Flex CD-General:** Balance \$77,202.30 **Midwest Bank-Flex CD-Keno:** Balance \$7,372.76 **Hadar Playground Fund:** \$300.00.

Motion made by Sudbeck to approve the payable lists for June, second by Riedel. All in favor. Motion carried. Motion made by Sudbeck to adjourn meeting at 8:55pm, second by Schwede. All in favor. Motion carried. Next regular meeting is on Monday, July 10th at 7:30 pm at the Village Community Hall, which is open to the public. An agenda for such meeting is kept continuously current and available for public inspection at the Village of Hadar office.

/s/ Richard Lutz
Chairman

/s/ Ami Stubben-Goetsch
Village Clerk