#### Minutes of Meeting of the Southeast Iowa Regional Riverboat Commission (SIRRC)

#### October 24, 2022 at 4:45 p.m. Catfish Bend Convention & Event Center

#### CALL TO ORDER/INTRODUCTIONS

#### COMMISSIONERS PRESENT:

Dave Walker (Brl); Dave Schwarz (KK); Kirk Brandenberger (KK); Jason Hutchinson (Brl); Terry Johnson (Brl); Steve Link (FM); and Justin Pieper (FM);

<u>COMMISSIONERS ABSENT:</u> Chuck Kempker (FM) and Joe Steil (KK)

EX-OFFICIAL MEMBERS: None present.

Also present are Rob Higgins, General Manager Catfish Bend Casinos LLC; Mitchell L. Taylor, Counsel for the Iowa Regional Riverboat Commission (SIRRC); and no non-participating audience.

COMMENTS FROM AUDIENCE: None.

#### MEETING MINUTES:

A motion to approve the minutes of the July 26, 2022 meeting was made by Commissioner Kirk Brandenberger. The motion was seconded by Justin Pieper. It was unanimously approved. See attached Exhibit "A".

#### TREASURER'S REPORT:

Dave Walker made a motion after presenting the Treasurer's Report. The motion was seconded by Justin Pieper. The motion was unanimously approved. A discussion was held about electronic transmission of financial statements. The Board tabled the discussion.

#### CATFISH BEND CASINOS LLC REPORT:

Rob Higgins, General Manager, reported to the Board on the following topics:

- Rob explained the inter and outer market concepts of casino marketing;
- Rob reviewed the promotions ran in August and September; promotions to run in October; as well as promotions anticipated to run in November, December, and January; and reported that he was excited about the upcoming promotions. The Casino has a number of promotions on the forefront and will provide the Casino patrons the traditional flier promoting the same.

• A coin-in and revenue comparison was provided and it is attached as Exhibit "B".

#### **OTHER BUSINESS:**

Dave Walker reported that the officers and directors liability insurance renewal premium has been paid.

Dave Walker suggested that the Board consider holding meeting by Zoom or other video/teleconferencing methods. Terry Johnson reminded the Board that the January meeting to be held on the 24<sup>th</sup> of January may cause potential road problems. A general discussion was held, a motion was made by Terry Johnson, and seconded by Jason Hutchinson, that the Board's meeting on January 24, 2023, shall be held by video conferencing as permitted by the Bylaws. Counsel was directed to set up a video conferencing link for a January 24, 2023, for the members. Counsel was directed to invite those parties set forth and marked as Exhibit "C" to the Zoom link meeting.

#### ADJOURNMENT:

Steve Link made a motion to adjourn the meeting. The motion was seconded by Justin Pieper. The motion was unanimously approved. The meeting was adjourned. A number of the Commission Members joined for dinner immediately thereafter in a separate room just off the meeting room.

Respectfully submitted,

Mitchell L. Taylor Counsel for Southeast Iowa Regional Riverboat Commission

Dave Schwarz, President Southeast Iowa Regional River Boat Commission

#### Minutes of Meeting of the Southeast Iowa Regional Riverboat Commission (SIRRC)

July 26, 2022 at \_\_\_\_\_ p.m. Catfish Bend Convention & Event Center

#### CALL TO ORDER/INTRODUCTIONS

#### COMMISSIONERS PRESENT:

Dave Walker (Brl); Dave Schwarz (KK); Kirk Brandenberg (KK-via phone); Joe Steil (KK-via phone); and Justin Pieper (FM);

#### COMMISSIONERS ABSENT:

Jason Hutchinson (Brl); Terry Johnson (Brl-via phone); Chuck Kempker (FM); and Steve Link (FM).

EX-OFFICIAL MEMBERS:

None present.

Also present are Rob Higgins, General Manager Catfish Bend Casinos LLC; Mitchell L. Taylor, Counsel for the Iowa Regional Riverboat Commission (SIRRC); and a non-participating audience consisting of seven (7) people.

COMMENTS FROM AUDIENCE: None.

#### MEETING MINUTES:

A motion to approve the minutes of the April 26, 2022 meeting was made by Commissioner Dave Walker. The motion was seconded by Justin Pieper. It was unanimously approved. See attached Exhibit "A".

#### TREASURER'S REPORT:

Dave Walker made a motion after presenting the Treasurer's Report. The motion was seconded by Justin Pieper. The motion was unanimously approved.

#### CATFISH BEND CASINOS LLC REPORT:

Rob Higgins, General Manager, provided a Legislative update. The Legislature is adjourned. Rob reviewed the following items with the Board.

 Cashless gaming. This was approved. The goal is to allow patrons to apply cash to their gambling efforts without the need for cash or credit but directly from their phone and an App.

Exhibit "A"

- Casino liability law was recently passed eliminating the Casino's liability for offsets of winnings for child support, fines, etc. If the Casino does not collect the money the Casino now is not personally liable.
- A law was changed allowing who does and who does not have to have a gaming license to work at the Casino. This effectively reduced the number of individuals based upon the type of job that they perform and who has to have a racing and gaming licenses.
- o There was a moratorium passed on gaming licenses issued in the State of Iowa.
- Reviewed the promotions ran in October, May, June, July and anticipated in August, September, and December. The Casino has a number of promotions that will be provided to its patrons by a flier dated August 2022 which is attached as Exhibit "B".
- A coin-in and revenue comparison was provided and it is attached Exhibit "C".

#### OTHER BUSINESS:

A discussion was held with respect to the Commission's Contract with the Casino. Counsel was provided authority to have the amended Contract prepared for submission to the Commission in final form and the Commission will approve or not approve the Contract by an electronic Board Meeting.

CPA Associates and Menke implications. Dave Walker reported and reminded the Board that audits are due in September of each year. The successor of CPA and Menke Company does not want to continue to do the audit and have recommended the Anderson Firm out of Ottumwa. The Anderson Firm has estimated that the audit will not be less than \$3,750.00 annually and provided an engagement letter. A motion was made by Justin Pieper that Dave Walker be authorized to sign the engagement letter with the Anderson Firm. The motion was seconded by Kirk Brandenberg and unanimously approved.

Next item of business was directors and officers and insurance renewal. Dave Schwartz reported that he has completed the paperwork for renewal of the directors' and officers' liability insurance and this is now complete for one more year.

Next item of business was the DCI Iowa Class D update. Dave Schwartz made a report that he has completed the paperwork necessary by the Department of Criminal Investigations, DCI, relevant to the Class D update.

Counsel, Mitchell L. Taylor, informed the Commission that he was completed with the origination documents and the box of material he was provided from former counsel, Mio Santiago. It was agreed that the box would be provided to Dave Schwartz. The box of historical documents was given to Dave Schwartz for safe keeping. It was discussed that Dave Schwartz would provide an email distribution list and counsel would provide access to the Commission's file on the Drive to the Board Members upon receipt of the email list.

#### ADJOURNMENT:

Justin Pieper made a motion to adjourn the meeting. The motion was seconded by Dave Schwartz. The motion was unanimously approved. The meeting was adjourned. A number of the Commission Members joined for dinner immediately thereafter in a separate room just off the meeting room.

Respectfully submitted,

Mitchell L. Taylor Counsel for Southeast Iowa Regional Riverboat Commission

Dave Schwarz, President Southeast Iowa Regional River Boat Commission

#### Minutes of Meeting of the Southeast Iowa Regional Riverboat Commission (SIRRC)

#### April 26, 2022 at 4:46 p.m. Quality Inn, Fort Madison, Iowa

#### CALL TO ORDER/INTRODUCTIONS

#### COMMISSIONERS PRESENT:

Dave Walker (Brl); Jason Hutchinson (Brl); Terry Johnson (Brl-via phone); Kirk Brandenberg (KK-via phone); Chuck Kempker (FM); Joe Steil (KK-via phone); Justin Pieper (FM-via phone); and Steve Link (FM).

COMMISSIONERS ABSENT: Dave Schwarz (KK)

EX-OFFICIAL MEMBERS: None present.

Also present are Rob Higgins, General Manager Catfish Bend Casinos LLC; Mitchell L. Taylor, Counsel for the Iowa Regional Riverboat Commission (SIRRC); and Jonah Greer, Department of Criminal Investigations (DCI).

COMMENTS FROM AUDIENCE: None.

#### MEETING MINUTES:

A motion to amend the minutes of the January 25, 2022, meeting was made by Chuck Kempker stating that he was present on January 25, 2022, at the meeting. A motion to amend the proposed minutes that a typo was set forth in the minutes and to include the date of 26 in the October 2021 meeting reference. The motion to amend was seconded by Jason Hutchinson. Joel Steil made a motion to approve the January 25, 2022, minutes of the meeting, Jason Hutchinson seconded the motion. The minutes were approved by the Commission by unanimous voice vote. See attached Exhibit "A".

#### TREASURER'S REPORT:

Dave Walker made a motion after presenting the Treasurer's Report for the months of January, February, and March 2022. The motion was seconded by Steve Link. The reports were approved by unanimous voice vote of the Commission. See attached Exhibit "B".

Exhibit "A"

#### CATFISH BEND CASINOS LLC REPORT:

Rob Higgins, General Manager, reported:

• A general report of the 2022 operations of Catfish Bend Casinos.

- An update concerning Covid and its implication of the operations at Catfish Bend Casino.
- A report of Catfish Bend Casino's Legislative efforts was reported by Rob Higgins. Mr. Higgins set forth the Legislative agenda of Catfish Bend Casino being worked on during the present Legislative season including, but not limited to:
  - Debt offset;
  - Esports;
  - License-holder status of staffing members of the Casino; and
  - Cashless gaming.

A general discussion was held among the Board Members with Mr. Higgins.

- Current promotions of Catfish Bend. Rob explained that he was delighted about the number of patrons on the gaming floor and the duration of their stay recently.
- A report was made of the Casino's intended renovations of the waterpark and the Casinos' expectations for the Summer of 2022 including, but not limited to, the progress of construction of the basketball court project and its location in regards to the waterpark renovations.

#### AUDIT:

Dave Walker generally discussed the CPA & Associates audit and how it dovetailed with Menke & Company's audit, and the purposes for the same.

#### LICENSURES:

Justin Pieper discussed the individual gaming license and their renewals.

#### CONTRACT WITH CATFISH BEND CASINOS LLC:

Counsel for the Commission reported in response to a request made to begin discussion of the renewal of the contract between SIRRC and Catfish Bend and the response from counsel for Catfish Bend's, Gary Hoyer, letter. See Exhibit "C". Catfish Bend Casino has timely renewed the contract with SIRRC for a ten (10) year period. The result of Exhibit "C". A general discussion was held with respect to the suggestion that though the contract was extended, the contract as extended contains provisions which have been satisfied by the parties. The contract does not contain a provision with respect to allocations of revenue for sports betting from Catfish Bend Casinos to SIRRC. Rob Higgins reported that he would discuss this with Gary Hoyer and Gary would follow up with counsel for the Commission. Counsel for the Commission informed the Board that the renewal option had been timely exercised. However, recommendations were made to amend the contract to exclude provisions which have been historically satisfied between the parties and add a provision with respect to the Commission's share of sports betting revenue. Counsel was reminded that percentage was to be .75% of sports betting.

#### OTHER BUSINESS:

Dave Walker made a presentation that he received a statement dated April 13, 2022, from the Department of Public Safety, Iowa Division of Criminal Investigation reporting that there is a credit on the account for the Commission with the Division. See Exhibit "D".

A general discussion was held with respect to the date and time of the next quarterly meeting of the Commission. No decision was made with respect to the precise date and time but it was contemplated that a meeting would be held in July 2022. Justin Pieper would select a date and thereafter inform the Commission members and regular attendees of the proposed time and date.

#### ADJOURNMENT:

Steve Link made a motion to adjourn the meeting and was seconded from Kirk Brandenberg. The Motion to adjourn was passed by unanimous voice vote. The meeting was adjourned at 5:24 p.m.

Respectfully submitted,

Mitchell L. Taylor Counsel for Southeast Iowa Regional Riverboat Commission

Dave Schwarz, President Southeast Iowa Regional River Boat Commission



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#### \$500 max per day.

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Kim Reynolds Governor Adam Gregg Lt. Governor



**Department of Public Safety** 

Stephan K. Bayens Commissioner

#### STATEMENT

Iowa Division of Criminal Investigation 215 E. 7<sup>th</sup> Street Des Moines, IA 50319

4/13/2022

SOUTHEAST IOWA REGIONAL RIVERBOAT COMMISSION 610 N 4TH STREET STE 200 BURLINGTON IA 52601

The account for SOUTHEAST IOWA REGIONAL RIVERBOAT COMMISSION currently has a Credit Balance of \$406

This is the account used to run Class A and D background checks.

If you would like a list of your account transactions or have any questions about your balance, please contact:

Valerie Inman Iowa Division of Criminal Investigation (515)725-6070 inman@dps.state.ia.us

If you would like your balance refunded, please send a letter with an original signature and include the following items:

Account Name Amount to be refunded Copy of your W-9 with Tax ID. This is the address the refund check will be mailed to.

DIVISION OF CRIMINAL INVESTIGATION • 215 EAST 7TH STREET • DES MOINES, IOWA 50319-0041 • 515-725-6010

Integrity, Fairness, Respect, Honesty, Courage, Compassion, Service



Exhibit "B"







2022	2021	2019	2017	2016	2015	2014	Revenue (through June)	Difference	2022
\$22,684,582.00	\$24,268,992.00	\$19,844,797.00	\$21,110,138.00	\$21,704,873.00	\$21,892,859.00	\$19,276,610,00	) June)	\$2,315,402.00	<u>\$36,212,741.00</u>
Current Year	Best Year	Pre Pandemic	L	Fertilizer Plant	]	Pre Fertilizer Plant		\$448,717.00	\$41,614,790.00
								-\$1,424,864.00	\$31,914,284.00
								\$1,339,255.00	\$109,741,815.00

# Coin In / Revenue Comparison

Coin In

2015

\$33,897,339.00

\$41,166,073.00

\$33,339,148.00

\$108,402,560.00

3 Month Total

June

April

May

Exhibit "C"

2022	2021	2019	2017	2016	2015	2014	Revenue (April	Difference	2022	2015	<u>Coin In</u>	
\$33,300,186.00	\$35,341,347.00	\$29,296,119.00	\$29,966,387.00	\$31,033,074.00	\$32,488,051.00	\$28,651,927.00	Revenue (April through September)	\$2,315,402.00	\$36.212.741.00	\$33,897,339.00	April	
							er)	\$448,717.00	\$41,614,790.00	\$41,166,073.00	Мау	
Current Year	Best Year	Pre Pandemic		Fertilizer Plant		Pre Fertilizer Plant		-\$1,424,864.00	\$31,914,284.00	\$33,339,148.00	June	
								-\$1,585,367.00	\$43,817,010.00	\$45,402,377.00	yln[	
	-6.00%	12.00%	11.00%	7.00%	3.00%	14.00%	% change from 2022	-\$1,340,439.00	\$31,524,985.00	\$32,865,424.00	August	
							Ň	-\$1,008,066.00	\$34,671,786.00	\$35,679,852.00	September	
								-\$2,594,617.00	\$219,755,596.00	\$222,350,213.00	5 Month Total	

Coin In / Revenue Comparison

Exhibit "B"

Name	Address	Phone	Email / Organization
Chuck Kempker	1904 Avenue H	319-371-4040 M	kempkerchuck@gmail.com
	Fort Madison, IA 52627	319-372-3515 W	SIRRC - Commisioner
Dave Schwarz	316 Hickory Terrace	319-795-2041 M	d.schwarz@mchsi.com
	Keokuk, IA 52632	319-524-8802 H	SIRRC - Commisioner, President
Dave Walker	708 Terrace Dr Burlington, IA 52601	319-209-1142 M	mewdaw@aol.com SIRRC - Commisioner, Treasurer
Jason Hutcheson	504 Wapello Street N Mediapolis, IA 52637	319-850-0395 M	jphutcheson@gmail.com SIRRC - Commisioner
Joe Steil	2 Stoneridge Dr	319-795-1265 M	joe.steil57@gmail.com
	Keokuk, IA 52632	319-526-5648 H	SIRRC - Commisioner
Justin Pieper	914 Avenue G	319-371-5216 M	jpieper@gbp-ins.com
	Fort Madison, IA 52627	319-383-0320	SIRRC - Commisioner
Kirk Brandenberger	428 Main St	319-795-1917 M	kirk.brandenberger@hotmail.com
	Keokuk, IA 52632	319-524-5599 W	SIRRC - Commisioner
Steve Link	702 Ave F	319-470-4219 M	stevenlinkinv@mchsi.com
	Fort Madison, IA 52627	319-372-7554	SIRRC - Commisioner
Terry Johnson	14276 Iowa City Road	319-985-2505	antt@mepotelco.net
	Burlington, IA 52601	319-759-4266	SIRRC - Commisioner, Secretary
Jon Billups	400 Washington Street	319-759-1831 M	billupsj@burlingtoniowa.org
	Burlington, IA 52601	319-753-8124	SIRRC - Ex-officio, Mayor-City of Burlington
Tom Broeker	513 N. Main St.	319-208-5647	broekert@dmcounty.com
	Burlington, IA 52601	319-759-1166	SIRRC - Ex-officio, DM County Supv.
Mitch Taylor	420 N. Roosevelt Ave., Ste 110 Burlington, IA 52601	319-752-4537	mltaylor@craylawfirm.com Attorney
Rob Higgins	3001 Winegard Dr Burlington, IA 52601	319-759-2276	rob.higgins@grellc.net Catfish Bend Casinos, GM
Gary Hoyer	3001 Winegard Dr Burlington, IA 52601	319-470-7774	gary.hoyer@thepzazz.com Catfish Bend Casinos, CEO

Exhibit "C"

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