RINGING OF THE BELL:

1. CALL TO ORDER:

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

3. ADENDA CHANGES:

4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)

5. PRESENTATION: Retirement of Kevin Martschinske, Fire Captain

6. PUBLIC COMMENT: Please limit comments to 5 minutes

7. APPROVAL OF MINUTES: March 22, 2017 Regular Meeting

8. PUBLIC HEARINGS:

   A. CB5, An Ordinance Creating a New Article XIX Within Chapter 6 of the Black Hawk Municipal Code, Creating a Permit System for Private Social Clubs

9. ACTION ITEMS:

   A. Local Liquor Authority Consideration of a Request for a New Tavern Liquor License for JE Tavern, Inc. dba JE Tavern at the Gilpin at 111 Main Street, #A to set the Boundaries of the Neighborhood and to Set a Date for Public Hearing

   B. Resolution 26-2017, A Resolution Approving the Temporary Construction Easement From Leon Pohl to the City of Black Hawk for the Property at 231 DuBois Street, and Repealing Resolution 23-2017

10. CITY MANAGER REPORTS:

11. CITY ATTORNEY:

12. EXECUTIVE SESSION:

13. ADJOURNMENT:

MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community.
Fire Chief Don Taylor rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, March 22, 2017, at 3:00 p.m. by Mayor Spellman.

2. ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Staff present: City Attorney Hoffmann, City Manager Lewis, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director Hillis, Public Works Director Isbester, Community Planning and Development Administrator Linker, Fire Chief Taylor, and Deputy City Clerk Martin.

PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. AGENDA CHANGES: Deputy City Clerk Martin confirmed there were no agenda changes.

4. CONFLICTS OF INTEREST: City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State. It was noted that Alderman Torres declared a conflict with Action Items 8A and 8B. No other conflicts had been noted from Council.

City Attorney Hoffmann asked the audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. The audience had no objections.

5. PUBLIC COMMENTS: Deputy City Clerk Martin confirmed that no one had signed up to speak.
6. APPROVAL OF MINUTES: March 8, 2017

MOTION TO APPROVE

Alderman Bennett MOVED and was SECONDED by Alderman Armbright to approve the Minutes as presented.

MOTION PASSED

There was no discussion and the motion passed unanimously.

7. PUBLIC HEARINGS:

A. Resolution 20-2017, A Resolution Amending the City of Black Hawk 2016 Budget

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis introduced this item. He said it was an amendment to the 2016 budget to cover the costs of reissuing the bonds for the bond refinance that was done last January.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 20-2017, A Resolution Amending the City of Black Hawk 2016 Budget open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Torres MOVED and was SECONDED by Alderman Johnson to Approve Resolution 20-2017, a Resolution Amending the City of Black Hawk 2016 Budget.

MOTION PASSED

There was no discussion and the motion PASSED unanimously.

8. ACTION ITEMS:

A. Resolution 21-2017, A Resolution Approving the License Agreement from the City of Black Hawk to Benito Torres for the Property at 211 Horn Street

B. Resolution 22-2017, A Resolution Approving the Temporary Construction Easement from Benito Torres to the City of Black Hawk for the Property at 211 Horn Street

Mayor Spellman read the titles and confirmed with City Attorney Hoffman that items A and B could have an umbrella motion. He also noted that Alderman Torres had left the dais, as he had previously indicated his conflict of interest.
MOTION TO APPROVE  Alderman Moates MOVED and was SECONDED by Alderman Bennett to approve Resolution 21-2017, a Resolution Approving the License Agreement from the City of Black Hawk to Benito Torres for the Property at 211 Horn Street and Resolution 22-2017, a Resolution Approving the Temporary Construction Easement from Benito Torres to the City of Black Hawk for the Property at 211 Horn Street.

MOTION PASSED  There was no discussion and the motion PASSED unanimously, with Alderman Torres having recused himself from both items.

C. Resolution 23-2017, A Resolution Approving the Temporary Construction Easement from Leon Pohl to the City of Black Hawk for the Property at 241 DuBois Street

Mayor Spellman read the title.

Community Planning and Development Administrator Linker introduced this item and said this Temporary Construction Easement was with the neighboring property to the work being done at 241 DuBois Street, so that current conditions can be documented before and after construction.

MOTION TO APPROVE  Alderman Armbright MOVED and was SECONDED by Alderman Bennett to approve Resolution 23-2017, a Resolution Approving the Temporary Construction Easement from Leon Pohl to the City of Black Hawk for the Property at 241 DuBois Street.

MOTION PASSED  There was no discussion and the motion PASSED unanimously.

D. Resolution 24-2017, A Resolution Directing the City Manager to Apply for Local Landmark Designation for the Property Located at 201 Selak Street and Generally Known as the Bobtail Tramway Portal

Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained that every year the Historic Preservation Commission likes to designate one historic landmark in the City, and this year they chose the Bobtail Tramway Portal located behind City Hall. Mayor Spellman provided a brief history of the property.

MOTION TO APPROVE  Alderman Armbright MOVED and was SECONDED by Alderman Torres to approve Resolution 24-2017, a Resolution Directing the City Manager to Apply for Local Landmark Designation for the Property
Located at 201 Selak Street and Generally Known as the Bobtail Tramway Portal.

**MOTION PASSED** There was no discussion and the motion **PASSED** unanimously.

**E. Resolution 25-2017, A Resolution Approving a Personal Services Agreement Between the City of Black Hawk and Grapes & Sons Excavating, LLC for On-Call Services**

Mayor Spellman read the title.

Public Works Isbester introduced this item and said it was for on-call services.

**MOTION TO APPROVE** Alderman Midcap **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 25-2017, a Resolution Approving a Personal Services Agreement Between the City of Black Hawk and Grapes & Sons Excavating, LLC for On-Call Services.

**MOTION PASSED** There was no discussion and the motion **PASSED** unanimously.

**9. CITY MANAGER REPORTS:** City Manager Lewis stated that the City had extended their lease with PCL Construction to include the Carbis House. He said they are currently leasing the Reeves House and now will add the Carbis House to the lease for an additional $400/month on a month-to-month basis.

Lewis announced several dates to keep in mind:
- April 7 at 11:30 a.m. is Captain Marschinke’s retirement party at the Fire House.
- May 10 at 1:00 p.m. is a meeting with the County Commissioners, lunch will be provided.
- May 18 is the City-Wide Clean-Up Day.
- May 24 at 1:00 p.m. is the tour of the new Dory Hill Water Treatment Plant.

**10. CITY ATTORNEY:** City Attorney Hoffmann had nothing to report.

**11. EXECUTIVE SESSION:** City Attorney Hoffmann recommended items number 2 and 5 for Executive Session for specific legal issues related to potential legislation.

**MOTION TO ADJOURN INTO EXECUTIVE**
SESION  Alderman Bennett MOVED and was SECONDED by Alderman Johnson to adjourn into Executive Session at 3:13 p.m. to hold a conference with the City’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e).

MOTION PASSED  There was no discussion and the motion PASSED unanimously.

MOTION TO ADJOURN  Alderman Bennett MOVED and was SECONDED by Alderman Johnson to adjourn the Executive Session at 4:00 p.m.

MOTION PASSED  There was no discussion and the motion PASSED unanimously.

12. ADJOURNMENT:  Mayor Spellman declared the Regular Meeting of the City Council closed at 4:00 p.m.

Melissa A. Greiner  David D. Spellman
City Clerk  Mayor
COUNCIL BILL 5
ORDINANCE 2017-5
AN ORDINANCE CREATING A NEW ARTICLE XIX WITHIN CHAPTER 6 OF THE BLACK HAWK MUNICIPAL CODE, CREATING A PERMIT SYSTEM FOR PRIVATE SOCIAL CLUBS
TITLE: AN ORDINANCE CREATING A NEW ARTICLE XIX WITHIN CHAPTER 6 OF THE BLACK HAWK MUNICIPAL CODE, CREATING A PERMIT SYSTEM FOR PRIVATE SOCIAL CLUBS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Chapter 6 of the Black Hawk Municipal Code is hereby amended by the adoption of a new Article XIX, which shall read as follows:

ARTICLE XV

Private Social Clubs

Sec. 6-601. Findings of fact.

The City Council recognizes that open or public consumption of marijuana is illegal in the state despite legalization of the substance under the Colorado Constitution and state law, and finds there is an unmet need within the City for private, safe and regulated places where adults can legally use and consume marijuana in a social setting. The City Council finds such private social use or consumption of marijuana should be regulated locally to minimize the potential adverse impacts on its citizens potentially caused by violations, underage consumption and civil disturbances, as well as to maintain peace and tranquility and to further the historic character of the City.

Sec. 6-602. Definitions.

The following words, when used in this Article, shall have the meanings respectively ascribed to them:

Alcohol beverage means fermented malt beverage or malt, vinous or spirituous liquors; except that alcoholic beverage shall not include confectionery containing alcohol within the limits prescribed by C.R.S. § 25-5-410(1)(i)(II).

Club means a private social organization or other similar organization with paid memberships exclusively serving its members, regardless of whether the club's activities are conducted for monetary gain, which is not accessible to
the public and which facilities are limited to allowing its members' use and consumption of legal drugs or alcohol on the premises.

**Electronic smoking device** means an electric or battery-operated device, the use of which resembles conventional smoking, which can be used to deliver substances, including without limitation nicotine, tobacco, or marijuana, to the person inhaling from such device, including, without limitation, an electronic cigarette, cigar, cigarillo, pipe, or hookah, but excluding any product approved by the U.S. Food and Drug Administration as a drug or medical device that is used in accordance with its purpose.

**Marijuana** means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

**Marijuana Products** means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients that are intended for use or consumption, such as but not limited to, edible products, ointments and tinctures.

**Open and Public** or **Openly and Publicly** means a place not protected from unaided observation lawfully made from outside its perimeter not involving physical intrusion and to which the public or a substantial number of the public has access without restrict include, without limitation, highways, transportation facilities, places of amusement, parks, playgrounds, and the common areas of public buildings and facilities that are generally open or accessible to members of the public without restriction.

**Permit** means a private social club permit issued pursuant to this Article.

**Premises** means the distinct and defined private location of a club, which may include a building, a part of a building, a room, or any other definite contiguous area adequately separated by physical barriers and ventilation to prevent observation of the premises by site, sound or smell from outside of the premises.

**Sale** means the exchange or transfer of goods or services for remuneration or other consideration, including transfers related to remuneration for any club dues or fees.

**Smoking** means the burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco or marijuana.
Vaping means the activation of an electronic smoking device, or the possession of any activated electronic smoking device, regardless of its composition.

Sec. 6-603. Permit required.

Any individual or entity desiring to organize or operate a private social club within the City shall obtain a private social club permit from the City.

Sec. 6-604. Application and fee.

Applications for a private social club permit shall be made to the City Clerk upon forms provided by the City Clerk for that purpose. An application fee pursuant to a separate resolution setting the City of Black Hawk Fee Schedule shall be submitted at the time of application. The application shall include a site plan defining the club premises, showing where members will be permitted to gather, identifying indoor and outdoor seating or gathering areas, showing parking locations for members, and identifying all intended uses of the club premises. The application shall demonstrate how the premises will be adequately separated by physical barriers and ventilation to prevent observation by site, sound or smell of the premises from outside of the premises. The application shall further describe the methods that will be used to confirm a member's age, to restrict all underage access to the club, to maintain the club's privacy, and to prevent public access. The City Clerk shall grant a private social club permit, provided that the application is fully completed and is in compliance with this Article and the ordinances of the City.

Sec. 6-605. Permitted activities.

Activities on the premises of a private social club may include the consumption of marijuana, marijuana products and alcohol, including without limitation, vaping of tobacco or marijuana, provided that all other laws, rules and regulations, including without limitation, the requirements of the Colorado Clean Indoor Air Act, C.R.S. § 25-14-201, et seq., and Chapter 7, Article VII, of this Code, applicable to such use and consumption at the particular location are met.

Sec. 6-606. Report of disorderly conduct.

Any permittee under this Article shall immediately report to the Police Department any unlawful or disorderly act or conduct committed at or in the private social club.

Sec. 6-607. Restrictions.

A permittee under this Article shall not:

(1) Sell nor permit the sale of marijuana, marijuana products or alcohol beverages on the premises;
(2) Serve nor permit the service of marijuana, marijuana products or alcohol beverages on the premises;

(3) Allow onto the premises any person under twenty-one years of age;

(4) Operate or allow operation of the club prior to 7:00 a.m. or later than 2:00 a.m.;

(5) Permit, allow or fail to prevent open or public consumption of marijuana, marijuana products or alcohol on the premises; or

(6) Permit, allow or fail to prevent indoor smoking or other activities in violation of the Colorado Clean Indoor Air Act, C.R.S. § 25-14-201, et seq., or Chapter 7, Article VII, of this Code, on the premises.

Sec. 6-608. Right of entry.

The Police Department or any authorized agent of the City may conduct routine inspections of the premises to ensure compliance with the requirements of this Article.

Sec. 6-609. Violations.

It is unlawful for any person to organize or operate a private social club without first obtaining a permit from the City as provided in this Article. Any failure to comply with any conditions stated in a permit or any of the requirements of this Article shall be a violation of this Article.

Sec. 6-610. Penalties.

Failure to comply with the terms of this Article shall constitute a civil infraction. Any person who is found guilty of, or pleads guilty or nolo contendere to the commission of, the civil infraction shall be subject to a civil penalty as set forth in Section 1-74 of this Code. For each day, or portion thereof, during which any violation continues, a person may be cited for a separate civil infraction.

Section 2. Safety Clause. The Board of Aldermen hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Aldermen further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a
court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 5th day of March, 2017.

_______________________________
David D. Spellman, Mayor

ATTEST:

_______________________________
Melissa A. Greiner, City Clerk
CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Private Social Clubs

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE Council Bill 5, An Ordinance Creating A New Article XIX Within Chapter 6 of the Black Hawk Municipal Code, Creating a Permit System For Private Social Clubs

AGENDA DATE: April 5, 2017

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

STAFF PERSON RESPONSIBLE: Corey Y. Hoffmann, City Attorney

DOCUMENTS ATTACHED: Council Bill 5

RECORD: [ ]Yes [ X ]No

CITY ATTORNEY REVIEW: [ X ]Yes [ ]N/A

SUBMITTED BY: [ X ]Yes [ ]N/A

REVIEWED BY: [ X ]Yes [ ]N/A

Melissa A. Greiner
City Clerk/Administrative Services Director

Jack D. Lewis
City Manager
Local Liquor Authority
Consideration of a Request for a New Tavern Liquor License for JE Tavern, Inc. dba JE Tavern at the Gilpin at 111 Main Street, #A to set the Boundaries of the Neighborhood and to Set a Date for Public Hearing
CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Local Liquor Authority consideration of a request for a new Tavern Liquor License for JE Tavern, Inc. dba JE Tavern at the Gilpin at 111 Main Street, #A to set the boundaries of the neighborhood and to set a date for Public Hearing.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE the request for a new Tavern Liquor License for JE Tavern, Inc. dba JE Tavern at the Gilpin at 111 Main Street, #A to set the boundaries of the neighborhood, and to set the date of the public hearing to May 10, 2017.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:
The City Clerk’s office received a new tavern liquor license application from JE Tavern, Inc. on March 16, 2017. The tavern will be located outside behind the Gilpin Casino, 111 Main Street. A 10’-3” x 12’-3” enclosure is proposed to house this new tavern. The application was deemed complete on March 23rd.

As per Ordinance 2015-6 (a), that amended Chapter 6 of the Black Hawk Municipal Code, Section 6-61 states “The City Clerk shall place on the agenda of a City council meeting the request for a new liquor license. The meeting shall be held not less than four (4) days nor more than thirty (30) days after the City Clerk has received the application. The date the completed application is received by the City Clerk shall be deemed the date of filing of the application.”

Section 6-61 (b) states “The City Council shall set the boundaries of the neighborhood and shall set a date for public hearing. The public hearing shall be held not less than thirty (30) days from the date of the City Council meeting in which the application was presented.” The next Council meeting to fall within this requirement would be May 10, 2017. This will provide the applicant enough time to prove the reasonable requirements of the neighborhood needs and desires and cause the public notice to be posted and published.

AGENDA DATE: April 5, 2017
WORKSHOP DATE: N/A
FUNDING SOURCE: N/A
DEPARTMENT DIRECTOR APPROVAL: [ X ]Yes [ ]No
STAFF PERSON RESPONSIBLE: Michele Martin, Deputy City Clerk
DOCUMENTS ATTACHED: Portions of the Application
RECORD: [ ]Yes [ X ]No
CITY ATTORNEY REVIEW: [ X ] Yes [ ] N/A

SUBMITTED BY: 

Melissa A. Greiner, City Clerk

REVIEWED BY:

Jack D. Lewis, City Manager
# Colorado Liquor Retail License Application

<table>
<thead>
<tr>
<th>New License</th>
<th>☑ New-Concurrent</th>
<th>☐ Transfer of Ownership</th>
<th>☐ State Property Only</th>
</tr>
</thead>
</table>

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor)

## Section A

<table>
<thead>
<tr>
<th>Nonrefundable Application Fees</th>
<th>$1950.00</th>
<th>$2050.00</th>
<th>$1950.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Fee for New License</td>
<td>☑</td>
<td></td>
<td></td>
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<tr>
<td>Application Fee for New License w/Concurrent Review</td>
<td></td>
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<tr>
<td>Application Fee for Transfer</td>
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</tbody>
</table>

## Section B

### Liquor License Fees

<table>
<thead>
<tr>
<th>$500.00</th>
<th>$75.00</th>
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<tbody>
<tr>
<td>Lodging &amp; Entertainment - L&amp;E (County)</td>
<td>Manager Registration - H &amp; R</td>
</tr>
<tr>
<td>Manager Registration - Tavern</td>
<td>Manager Registration - Lodging &amp; Entertainment</td>
</tr>
</tbody>
</table>

### Optional Premises to H & R

<table>
<thead>
<tr>
<th>$25.00</th>
<th>$25.00</th>
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<tbody>
<tr>
<td>Master File Location Fee</td>
<td>Master File Background</td>
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</tbody>
</table>

### Licenses

- District Pub License (County)......................
- Brew Pub License (City).......................
- Brew Pub License (County).......................
- Club License (City)........................................
- Club License (County)............................... 
- Distillery Pub License (City)...........
- Distillery Pub License (County)............
- Hotel and Restaurant License (City)...........
- Hotel and Restaurant License (County)...........
- Hotel and Restaurant License w/one opt premises (City)...........
- Hotel and Restaurant License w/one opt premises (County)...........
- Liquor-Licensed Drugstore (City)...........
- Liquor-Licensed Drugstore (County)...........
- Lodging & Entertainment - L&E (City)...........
- Tavern License (City)...........................
- Tavern License (County)...........................
- Vintners Restaurant License (City)...........
- Vintners Restaurant License (County)...........

## Questions? Visit: [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor) for more information

Do not write in this space - For Department of Revenue use only

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**Liability Information**

<table>
<thead>
<tr>
<th>License Account Number</th>
<th>Liability Date</th>
<th>License Issued Through (Expiration Date)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>$</td>
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</table>
## Application Documents Checklist and Worksheet

**Instructions:** This checklist should be utilized to assist applicants with filing all required documents for licensure. **All** documents must be properly signed and correspond with the name of the applicant **exactly.** **All** documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

**Questions? Visit:** [www.colorado.gov/enforcement/liquor](http://www.colorado.gov/enforcement/liquor) for more information

### Items submitted, please check all appropriate boxes completed or documents submitted

<table>
<thead>
<tr>
<th>I. Applicant information</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>☑ A. Applicant/Licensee identified</td>
<td></td>
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<tr>
<td>☑ B. State sales tax license number listed or applied for at time of application</td>
<td></td>
</tr>
<tr>
<td>☑ C. License type or other transaction identified</td>
<td></td>
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<tr>
<td>☑ D. Return originals to local authority</td>
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<tr>
<td>☐ E. Additional information may be required by the local licensing authority</td>
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<tr>
<td>☑ F. All sections of the application need to be completed</td>
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<table>
<thead>
<tr>
<th>II. Diagram of the premises</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>☑ A. No larger than 8 1/2&quot; X 11&quot;</td>
<td></td>
</tr>
<tr>
<td>☑ B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.)</td>
<td></td>
</tr>
<tr>
<td>☐ C. Separate diagram for each floor (if multiple levels)</td>
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<tr>
<td>☑ D. Kitchen - identified if Hotel and Restaurant</td>
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<tr>
<td>☑ E. Bold/Outlined Licensed Premises</td>
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<tr>
<th>III. Proof of property possession (One Year Needed)</th>
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<tbody>
<tr>
<td>☐ A. Deed in name of the applicant (or) (matching question #2) date stamped / filed with County Clerk</td>
<td></td>
</tr>
<tr>
<td>☑ B. Lease in the name of the applicant (or) (matching question #2)</td>
<td></td>
</tr>
<tr>
<td>☐ C. Lease assignment in the name of the applicant with proper consent from the Landlord and acceptance by the Applicant</td>
<td></td>
</tr>
<tr>
<td>☐ D. Other agreement if not deed or lease. (matching question #2)</td>
<td></td>
</tr>
<tr>
<td>(Attach prior lease to show right to assumption)</td>
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</tbody>
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<tr>
<th>IV. Background information and financial documents</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>☑ A. Individual History Records(s) (Form DR 8404-I)</td>
<td></td>
</tr>
<tr>
<td>☑ B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants)</td>
<td></td>
</tr>
<tr>
<td>☐ C. Purchase agreement, stock transfer agreement, and/or authorization to transfer license</td>
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<tr>
<td>☑ D. List of all notes and loans (Copies to also be attached)</td>
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<tr>
<th>V. Sole proprietor/husband and wife partnership (if applicable)</th>
<th></th>
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<tbody>
<tr>
<td>☐ A. Form DR 4679</td>
<td></td>
</tr>
<tr>
<td>☑ B. Copy of State issued Driver's License or Colorado Identification Card for each applicant</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>VI. Corporate applicant information (if applicable)</th>
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</thead>
<tbody>
<tr>
<td>☑ A. Certificate of Incorporation date stamped by the Colorado Secretary of State's Office</td>
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<tr>
<td>☑ B. Certificate of Good Standing</td>
<td></td>
</tr>
<tr>
<td>☐ C. Certificate of Authorization if foreign corporation</td>
<td></td>
</tr>
<tr>
<td>☑ D. List of officers, directors and stockholders of applying corporation (If wholly owned, designate a minimum of one person as principal officer of parent)</td>
<td></td>
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</tbody>
</table>

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<thead>
<tr>
<th>VII. Partnership applicant information (if applicable)</th>
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</thead>
<tbody>
<tr>
<td>☐ A. Partnership Agreement (general or limited). Not needed if husband and wife</td>
<td></td>
</tr>
<tr>
<td>☑ B. Certificate of Good Standing (If formed after 2009)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VIII. Limited Liability Company applicant information (if applicable)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office)</td>
<td></td>
</tr>
<tr>
<td>☑ B. Certificate of Good Standing</td>
<td></td>
</tr>
<tr>
<td>☑ C. Copy of operating agreement</td>
<td></td>
</tr>
<tr>
<td>☑ D. Certificate of Authority if foreign company</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IX. Manager registration for Hotel and Restaurant, Tavern and Lodging &amp; Entertainment licenses when included with this application</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ A. $75.00 fee</td>
<td></td>
</tr>
<tr>
<td>☑ B. Individual History Record (DR 8404-I)</td>
<td></td>
</tr>
<tr>
<td>☐ C. If owner is managing, no fee required</td>
<td></td>
</tr>
</tbody>
</table>
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?  [ ] Yes  [ ] No

8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):
   (a) Been denied an alcohol beverage license?  [ ] Yes  [ ] No
   (b) Had an alcohol beverage license suspended or revoked?  [ ] Yes  [ ] No
   (c) Had interest in another entity that had an alcohol beverage license suspended or revoked?  [ ] Yes  [ ] No

   If you answered yes to 8a, b, or c, explain in detail on a separate sheet.

9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years?  [ ] Yes  [ ] No

   Waiver by local ordinance?  [ ] Yes  [ ] No

   Other: __________________________

10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?  [ ] Yes  [ ] No

11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000?  [ ] Yes  [ ] No

   NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Limited Liability Company; or the principal doorway of the Limited Liability Company; or officers, stockholders or directors of a corporation.

12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000?  [ ] Yes  [ ] No

   NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Limited Liability Company; or the principal doorway of the Limited Liability Company; or officers, stockholders or directors of a corporation.

13a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?  [ ] Yes  [ ] No

13b. Are you a Colorado resident?  [ ] Yes  [ ] No

14. Has a liquor or beer license ever been issued to the applicant (including any of the partners if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)?  [ ] Yes  [ ] No

   If yes, identify the name of the business and any current financial interest in said business including any loans to or from a licensee.

   __________________________

15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?  [ ] Yes  [ ] No

   Ownership  [ ] Lease  [ ] Other (Explain in Detail) __________________________

   a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:

   Landlord
   __________________________

   Tenant
   __________________________

   Expires
   __________________________

16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies, etc.) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.

   Last Name  __________________________

   First Name  __________________________

   Date of Birth  __________________________

   FEIN or SSN  __________________________

   Interest/Percentage  __________________________

   Last Name  __________________________

   First Name  __________________________

   Date of Birth  __________________________

   FEIN or SSN  __________________________

   Interest/Percentage  __________________________

   Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:  [ ] Yes  [ ] No

   Has a local ordinance or resolution authorizing optional premises been adopted?  [ ] Yes  [ ] No

   Number of additional Optional Premise areas requested. (See license fee chart) __________________________

18. Liquor Licensed Drugstore (LLDS) applicants, answer the following:
   (a) Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?  [ ] Yes  [ ] No

   If "yes" a copy of license must be attached.

19. Club Liquor License applicants answer the following:  [ ] Yes  [ ] No

   Attach a copy of applicable documentation

   (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?  [ ] Yes  [ ] No

   (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?  [ ] Yes  [ ] No

   (c) How long has the club been incorporated?  [ ] Yes  [ ] No

   (d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?  [ ] Yes  [ ] No

20. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:  [ ] Yes  [ ] No

   (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

21. For all on-premises applicants:
   a. Hotel and Restaurant, Lodging and Entertainment or Tavern License, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprints.

   b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.

   Last Name of Manager  __________________________

   First Name of Manager  __________________________

   Politano  __________________________

22. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado?  [ ] Yes  [ ] No

   If yes, provide name, type of license and account number.
The foregoing application has been examined; and 

**Signature**

Provisions

That

The Authority Hereby Affirms

(Provident)

And aware of, liquor code provisions affecting their class of

To own or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.

<table>
<thead>
<tr>
<th>Name</th>
<th>Home Address, City &amp; State</th>
<th>DOB</th>
<th>Position</th>
<th>Managing Entity</th>
<th>%Owned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jacobs Entertainment, Inc</td>
<td>17301 W Colfax Ave #250, Golden, CO 80401</td>
<td>N/A</td>
<td>President</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>John East Jr.</td>
<td>Home Address, City &amp; State</td>
<td>DOB</td>
<td>Managing Entity</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Home Address, City &amp; State</td>
<td>DOB</td>
<td>Position</td>
<td>%Owned</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Home Address, City &amp; State</td>
<td>DOB</td>
<td>Position</td>
<td>%Owned</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Home Address, City &amp; State</td>
<td>DOB</td>
<td>Position</td>
<td>%Owned</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Home Address, City &amp; State</td>
<td>DOB</td>
<td>Position</td>
<td>%Owned</td>
<td></td>
</tr>
</tbody>
</table>

**If applicant is owned 100% by a parent company, please list the designated principal officer on above.**

**Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)**

**If total ownership percentage disclosed here does not total 100%, applicant must check this box:**

**Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.**

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature: ...

Printed Name and Title: John East Jr., President, Jacobs Entertainment Inc.

Date: 3/23/17

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority: 3/23/17

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

☐ Fingerprinted

☐ Subject to background investigation, including NCIC/CCIC check for outstanding warrants

The local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license.

(Report and Approval of Local Licensing Authority)

☐ Date of inspection or anticipated date

☐ Will conduct inspection upon approval of state licensing authority

☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?

☐ Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?

Nat: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.

☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S., and Liquor Rules. Therefore, this application is approved.

Local Licensing Authority for City of Black Hawk

Signature: ...

Print: ...

Title: ...

Date: ...

Telephone Number: 303-582-2221

Town, City: ☐

County: ☐

Date: ...
THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

STATE OF COLORADO
DEPARTMENT OF REVENUE

LIQUOR ENFORCEMENT DIVISION
1881 Pierce Street, Suite 108
Lakewood, Colorado 80214

JE TAVERN INC
dba JE TAVERN
240 MAIN STREET UNIT A
BLACK HAWK CO 80422

ALCOHOL BEVERAGE LICENSE

<table>
<thead>
<tr>
<th>Liquor License Number</th>
<th>License Expires at Midnight</th>
</tr>
</thead>
<tbody>
<tr>
<td>4705074</td>
<td>August 27, 2017</td>
</tr>
</tbody>
</table>

License Type
TAVERN (CITY)

Authorized Beverages
MALT, VINOUS, AND SPIRITUOUS

This license is issued subject to the laws of the State of Colorado and especially under the provisions of Title 12, Articles 46 or 47, CRS 1973, as amended. This license is nontransferable and shall be conspicuously posted in the place above described. This license is only valid through the expiration date shown above. Any questions concerning this license should be addressed to: Colorado Liquor Enforcement Division, 1881 Pierce Street, Suite 108, Lakewood, CO 80214.

In testimony whereof, I have hereunto set my hand. 7/5/2016 KNP

Patrick Maroney
Division Director

Barbara Broder
Executive Director
THIS LICENSE MUST BE POSTED IN PUBLIC VIEW

THIS LICENSE EXPIRES AUGUST 27, 2017

STATE OF COLORADO
CITY OF BLACK HAWK

RETAIL LIQUOR LICENSE

FOR: ___________________________ TAVERN

TO SELL AT RETAIL MALT, VINOUS & SPIRITOUS LIQUOR

This is to Certify, that JE TAVERN INC dba JE TAVERN of the City of Black Hawk of the State of Colorado, having applied for a License to sell Malt, Vinous, and Spirituous Liquors, and having paid to the City Treasurer the required fees, therefore, the above applicant is hereby licensed to sell Malt, Vinous, and Spirituous Liquors containing more than 3.2% Alcohol by weight by the drink for consumption on the premises as Tavern at 240 Main Street, Unit A in the City of Black Hawk, Colorado for a period beginning on the 28th day of August 2016, and ending on the 27th day of August 2017, unless this License is revoked sooner as provided by law. This License is issued subject to the Laws of the State of Colorado and especially under the provisions of Article 47 of Title 12, Colorado Revised Statues, as amended and the ordinances of the City aforesaid insofar as the same may be applicable.

IN TESTIMONY WHEREOF, The City Council has hereunto subscribed its name by its officers duly authorized this 18th day of July 2016.

ATTEST:

Melissa A. Greiner, City Clerk

THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO

David D. Spellman, Mayor
JE Tavern at the Gilpin

Enclosure

Bar

Liquor Storage

Consumption Area

10'-3"

2'-3"

42'-6"

20'-0"

Gilpin Casino

Scale: 1" = 20'-0"
LEASE

THIS LEASE, dated March 10, 2017, is between The Gilpin Casino, LLC, the Landlord, and JE Tavern, Inc., the Tenant.

The Landlord, for and in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the Tenant, does hereby lease to the Tenant, the premises situate in the City of Black Hawk County of Gilpin, State of Colorado, as follows:

111 Main Street, Unit A, Black Hawk, Colorado 80422

Said premises, with the appurtenances, are to be leased to the Tenant from March 10, 2017, until March 10, 2020, at and for a rental of $1.00 yearly, payable in advance, on or before the 1st day of each and every month during the term of this lease at the office of the Landlord or as the Landlord may direct in writing. The Tenant further covenants with the Landlord that Tenant has received said premises in good order and condition, and at the expiration of the term of this lease will yield up said premises to the Landlord in as good order and condition as when the same were entered upon by the Tenant, loss by fire, inevitable accident and ordinary wear excepted, and will keep said premises in good repair during said term at Tenant’s own expense.

IT IS FURTHER AGREED by the Tenant that no part of the premises will be sublet, nor will this lease be assigned, without the written consent of the Landlord being first obtained. Tenant will not use or permit the premises to be used for any purposes prohibited by the laws of the United States or of the State of Colorado or the ordinances of the city or town in which the premises is located.

IT IS MUTUALLY AGREED that if, after the expiration of this lease, the Tenant shall remain in possession of said premises and continue to pay rent without a written agreement as to such possession, then the Tenant shall be regarded as a tenant from month to month at a monthly rental payable in advance equivalent to the last month’s rent hereunder, and subject to all the terms and provisions of this lease.

IT IS FURTHER MUTUALLY AGREED that in case said premises are left vacant and any part of the rent herein reserved be unpaid, then the Landlord may, without any wise being obligated to do so and without terminating this lease, re-take possession of said premises and rent the same for such rent and upon such conditions as the Landlord may think best, making such changes and repairs as may be required, giving credit for the amount of rent received less all expenses of such changes and repairs, and the Tenant shall be liable for the balance of the rent herein reserved until the expiration of the term of this lease.

IT IS AGREED that if the Tenant shall be in arrears in the payment of any installment of rent, or any portion thereof, or in default of any of the covenants or agreements herein contained to be performed by the Tenant, which default shall be uncorrected for a period of three (3) days after Landlord has given written notice pursuant to applicable law, Landlord may, at Landlord’s option, undertake any of the following remedies without limitation: (a) declare the term of the lease ended; (b) terminate the Tenant’s right to possession of the premises and reenter and repossess the premises pursuant to applicable provisions of the Colorado Forcible Entry and Detainer Statute; (c) recover all present and future damages, costs and other relief to which the Landlord is entitled; (d) pursue Landlord’s lien remedies; (e) pursue breach of contract remedies; and/or (f) pursue any and all available remedies in law or equity. In the event possession is terminated by reason of default prior to expiration of the term, the Tenant shall be responsible for the rent occurring for the remainder of the term, subject to the Landlord’s duty to mitigate such damages. Pursuant to applicable law (13-40-104(d.5), (e.5) and 13-40-107.5, C.R.S.) which is incorporated by this reference, in the event repeated or substantial default(s) under the lease occur, the Landlord may terminate the Tenant’s possession upon a written Notice to Quit, without a right to cure. Upon such termination, the Landlord shall have available any and all of the above listed remedies.

*Insert “City and” where applicable
This lease shall be subordinate to all existing and future security interests on the premises. All notices shall be in writing and be personally delivered or sent by first class mail, unless otherwise provided by law, to the respective parties at the address immediately below their signature. If any term or provision of this lease shall be invalid or unenforceable, the remainder of this lease shall not be affected thereby and shall be valid and enforceable to the full extent permitted by law. This lease shall only be modified by amendment signed by both parties. This lease shall be binding on the parties, their personal representatives, successors and assigns. The singular shall be deemed to include the plural.

Additional provisions:

Insurance Coverage. The Lodge Casino, LLC will carry appropriate general liability and liquor liability insurance to JE Tavern, Inc. as a condition of this Lease Agreement and shall pay all costs and expenses associated with the insurance coverage.

Landlord:  The Gilpin Casino, LLC  Tenant:  JE Tavern, Inc.
Address:  111 Main Street, Black Hawk, CO 80422  Address:  111 Main Street #A, Black Hawk, CO 80422

GUARANTEE

For value received, I guarantee the payment of the rent and the performance of the covenants and agreements by the Tenant in the within lease.

Dated: ____________________________

ASSIGNMENT AND ACCEPTANCE

For value received, assignor, assigns all right, title and interest in and to the within lease to assignee, assigns all right, title and interest in and to the within lease to assignee, the heirs, successors and assigns of the assignee, with the express understanding and agreement that the assignor shall remain liable for the full payment of the rent reserved and the performance of all the covenants and agreements made in the lease by the Tenant. The assignor will pay the rent and fully perform the covenants and agreements in case the assignee fails to do so. In consideration of this assignment, the assignee assumes and agrees to make all the payments and perform all the covenants and agreements contained in the lease, agreed to by the Tenant.

Dated: ____________________________

CONSENT OF ASSIGNMENT

Consent to the assignment of the within lease to assignee is hereby given, on the express condition, however, that the assignor shall remain liable for the prompt payment of the rent and performance of the covenants on the part of the Tenant as herein mentioned, and that no further assignment of said lease or sub-letting of the premises, or any part thereof, shall be made without further written agreement.

Dated: ____________________________
LANDLORD'S ASSIGNMENT

In consideration of One Dollar, in hand paid, I hereby assign to ____________________________ my interest in the within lease, and the rent therein reserved.

Dated: ____________________________
ATTACHMENT A

Gilpin Casino LLC dba Gilpin Casino-111 Main St. Black Hawk CO 80422; The license held is a Hotel Restaurant License; My interest in the License began in December of 2013 and continues currently. My involvement in the License is as an Executive Manager (Vice President)

Lodge Casino LLC dba The Lodge Casino-240 Main St. Black Hawk CO 80422; The license held is a Hotel Restaurant License; My interest in the License began in December of 2013 and continues currently. My involvement in the License is as an Executive Manager (Vice President)

Gold Dust Reno LLC dba Gold Dust West Reno- 444 Vine St. Reno NV 89505; The license held is a Retail Liquor License; My interest in the License began in December of 2013 and continues currently. My involvement in the License is as an Executive Manager (Vice President and Assistant Secretary)

Gold Dust Carson LLC dba Gold Dust West Carson-2171 E. Williams St, Carson City NV 89701; The license held is a Retail Liquor License; My interest in the License began in December of 2013 and continues currently. My involvement in the License is as an Executive Manager (Vice President and Assistant Secretary)

Gold Dust Elko LLC dba Gold Dust West Elko-1660 Mountain City Highway, Elko NV 89801; The license held is a Retail Liquor License; My interest in the License began in December of 2013 and continues currently. My involvement in the License is as an Executive Manager (Vice President and Assistant Secretary)
SPECIAL MEETING
OF
THE BOARD OF DIRECTORS
OF
JE TAVERN, INC.

DATE: March 9, 2017

THE UNDERSIGNED, constituting all of the members of the Board of Directors of JE Tavern, Inc., a Colorado corporation (the "Corporation"), in accordance with Section 7-108-202 of the Colorado Business Corporation Act, do hereby take the actions below set forth, and to evidence their waiver of any right to dissent from such actions, do hereby consent as follows:

RESOLVED: That the Articles of Incorporation of this Corporation filed with the Secretary of State on June 5, 2015, and attached hereto and incorporated by reference herein be and the same are hereby approved and accepted.

RESOLVED: That the Bylaws attached hereto and incorporated by reference herein be and the same are hereby declared to be the Bylaws of the Corporation.

RESOLVED: That the following persons be and they are hereby elected as directors and officers of the Corporation in the respective capacities set forth after their several names, the term of office of each person to be until the first annual meeting of the Board of Directors, and until their respective successors shall be elected and qualified:

Jacobs Entertainment, Inc. - Director/Treasurer
- Vice President
- Secretary

RESOLVED: That the seal of the Corporation shall consist of a circular impression bearing around the outside rim the words "JE Tavern, Inc.," the word "Colorado," and in the center the date June 5, 2015."
RESOLVED: That the **Wells Fargo Bank** be and it hereby is designated as a depository of this Corporation, and that the corporate banking resolutions of said bank, attached to these Minutes and incorporated herein, be and the same are hereby unanimously adopted and approved.

RESOLVED: That the Treasurer be and is hereby authorized and directed to pay all fees and expenses incident to and necessary for the organization and qualification of the Corporation, including, without limitation, all legal and accounting fees and costs to procure proper corporate books.

RESOLVED: That the proper officer of the Corporation cause to be prepared appropriate books and records with respect to the capital stock of the Corporation, in which shall be recorded, among other things, the names and addresses of the stockholders and the number of shares held by each.

RESOLVED: That the Corporation elect to qualify as a S corporation pursuant to Sub Chapter S of the Internal Revenue Code of 1986, provided that the stockholders of the Corporation approve unanimously such election, and that the proper officer of the Corporation file all forms and undertake all action necessary to effectuate such election.

RESOLVED: That the Corporation issue the following number of shares of Common Stock to the following below named individuals upon payment, by check or in cash, to the Corporation by such individuals of the amounts of money set forth opposite his or her name:

<table>
<thead>
<tr>
<th>Name</th>
<th>No. of Shares</th>
<th>Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jacobs Entertainment, Inc.</td>
<td>100</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

RESOLVED: That any and all actions taken or contracts entered into heretofore by a promoter, officer or director for the Corporation, either as a promoter, officer or director, as well as any and all actions taken or contracts entered into by said
persons as individuals, acting for the Corporation, be and the same are hereby ratified, approved and confirmed by the Corporation, and all such contracts adopted as though said individual had at such time full power and authority to act for the Corporation and in the same manner as if each and every act had been done pursuant to the specific authorization of the Corporation.

WITNESS our signatures the day and year first above written.

Stanley Politano
Jacobs Entertainment, Inc.
By: STANLEY POLITANO
EXECUTIVE VICE PRESIDENT
Articles of Incorporation for a Profit Corporation
filed pursuant to § 7-102-101 and § 7-102-102 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name for the corporation is

JE Tavern, Inc.

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the corporation’s initial principal office is

Street address

240 Main Street

Black Hawk CO 80422

United States

3. The registered agent name and registered agent address of the corporation’s initial registered agent are

Name

Dill Robert A

or

(if an entity)

(Daylight: Do not provide both an individual and an entity name.)

Street address

Dill Dill Carr Stonbraker&Hutchings

455 Sherman St, Ste 300

Denver CO 80203

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)
The following statement is adopted by marking the box.)

☑️ The person appointed as registered agent above has consented to being so appointed.

4. The true name and mailing address of the incorporator are

Name
(if an individual)

East John
(Last) (First) (Middle) (Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Mailing address

PO Box 50
(Street number and name or Post Office Box information)

Black Hawk CO 80422
(City) (State) (ZIP/Postal Code)

United States
(Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The corporation has one or more additional incorporators and the name and mailing address of each additional incorporator are stated in an attachment.

5. The classes of shares and number of shares of each class that the corporation is authorized to issue are as follows.

☐ The corporation is authorized to issue 1,000 common shares that shall have unlimited voting rights and are entitled to receive the net assets of the corporation upon dissolution.

☐ Information regarding shares as required by section 7-106-101, C.R.S., is included in an attachment.

6. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

7. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are ___/___/___ hour:minute am/pm.

Notice:
Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual’s act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.
8. The true name and mailing address of the individual causing the document to be delivered for filing are

Overton Michele
(Last) (First) (Middle) (Suffix)
Dill Dill Carr Stonbraker&Hutchings
(Street number and name or Post Office Box information)
455 Sherman St, Ste 300

Denver CO 80203 United States
(City) (State) (ZIP/Postal Code) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

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OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

JE Tavern, Inc.

is a

Corporation

formed or registered on 06/05/2015 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20151376889.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/21/2017 that have been posted, and by documents delivered to this office electronically through 03/22/2017 @ 14:53:23.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 03/22/2017 @ 14:53:23 in accordance with applicable law. This certificate is assigned Confirmation Number 10145098.

End of Certificate

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, http://www.sos.state.co.us/biz/CertificateSearchCriteria.do entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, http://www.sos.state.co.us/ click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."
RESOLUTION 26-2017
A RESOLUTION
APPROVING THE
TEMPORARY
CONSTRUCTION
EASEMENT FROM LEON
POHL TO THE CITY OF
BLACK HAWK FOR THE
PROPERTY AT 231 DuBOIS
STREET, AND REPEALING
RESOLUTION NO. 23-2017
STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 26-2017

TITLE: A RESOLUTION APPROVING THE TEMPORARY CONSTRUCTION EASEMENT FROM LEON POHL TO THE CITY OF BLACK HAWK FOR THE PROPERTY AT 231 DUBOIS STREET, AND REPEALING RESOLUTION NO. 23-2017

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The Temporary Construction Easement from Leon Pohl to the City of Black Hawk for the property at 231 Dubois Street, regarding rehabilitation of the property at 241 Dubois Street, attached hereto as Exhibit A, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Section 2. Resolution No. 23-2017 is repealed.

RESOLVED AND PASSED this 5th day of April, 2017.

_______________________________
David D. Spellman, Mayor

ATTEST:

______________________________
Melissa A. Greiner, City Clerk
CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Requesting a Resolution approving the Temporary Construction Easement from Leon Pohl to the City of Black Hawk for the Property at 231 DuBois Street, and Repealing Resolution 23-2017.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE: Resolution 26-2017 for the Temporary Construction Easement from Leon Pohl to the City of Black Hawk for the property at 231 DuBois Street, regarding rehabilitation of the property at 241 Dubois Street, and repealing Resolution No. 23-2017.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

AGENDA DATE: April 5, 2017

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: [ X]Yes [ ]No

STAFF PERSON RESPONSIBLE: Cynthia Linker, CP&D

DOCUMENTS ATTACHED: Resolution 26-2017

RECORD: [ ]Yes [ X ]No

CITY ATTORNEY REVIEW: [ X ]Yes [ ]N/A

SUBMITTED BY: Cynthia L. Linker, CP&D

REVIEWED BY: Jack D. Lewis, City Manager