



REGULAR MEETING AGENDA

City of Black Hawk City Council
211 Church Street, Black Hawk, CO

July 8, 2015
3:00 p.m.

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. PUBLIC COMMENT: *Please limit comments to 5 minutes*
6. APPROVAL OF MINUTES: June 24, 2015
7. PUBLIC HEARINGS:
 - A. CB16, An Ordinance to Repeal and Reenact Article XIII of Chapter 6 of the Black Hawk Municipal Code Concerning Peddlers and Solicitors
8. ACTION ITEMS:
 - B. Resolution 51, A Resolution Ratifying the Approval of the Contract to Buy and Sell Real Estate Between the City as Buyer and Janet E. Ficke and Townsend Shields as Seller of the Cyclops Lode Mining Claim
 - C. Resolution 52, A Resolution Approving the Design Contract with Stolfus & Associates, Inc. in an Amount Not To Exceed \$90,660.00 to Perform the Necessary Engineering Analysis and Design for the Hidden Treasure Trailhead Project
 - D. Consideration of Request for Extended Hours for the Monarch Casino's Special Event Permit for the Phase III Reopening Ceremony
 - E. Local Liquor Authority Consideration of a Request for a New Tavern Liquor License for JE Tavern at 240 Main Street and to set the Boundaries of the Neighborhood and to Set a Date for Public Hearing
9. CITY MANAGER REPORTS:
10. CITY ATTORNEY:
11. EXECUTIVE SESSION:
12. 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.



**City of Black Hawk
City Council**

June 24, 2015

MEETING MINUTES

General Manager of Canyon Casino, Brian Cloud, rang the bell.

1. **CALL TO ORDER:** The regular meeting of the City Council was called to order on Wednesday, June 24, 2015, at 3:00 p.m. by Mayor Spellman.

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

Absent: Alderman Armbright.

Staff present: City Attorney Hoffmann, Police Chief Cole, City Clerk/Administrative Services Director Greiner, Finance Director and acting City Manager Hillis, Public Works Director Isbester, Senior Civil Engineer Ford, Water Department Superintendent Fredericks, Fire Chief Taylor, Community Planning and Development Administrator Linker, Baseline Corporation Consultant Vince Harris 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 changes to the agenda.

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. There were no conflicts noted from City 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 stated no one had signed up to speak.

6. APPROVAL OF
MINUTES

June 10, 2015.

**MOTION TO
APPROVE**

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

MOTION PASSED

There was no discussion and the motion passed unanimously.

7. PUBLIC HEARINGS:

A. CB 15, An Ordinance Approving a Water Storage Agreement Between the City of Black Hawk and the City of Golden

Mayor Spellman read the title and opened the public hearing.

Senior Civil Engineer Jim Ford explained that this has been a very wet spring and room in the normal reservoirs to take delivery of 100' of water from the City of Golden, as required, is not available. Ford said this was the same situation as last year and the City lost the water down stream and could not make use of it. Staff has entered into an agreement with the City of Golden, at no monetary cost to the City, to store the water in Guanella Reservoir until it can be exchanged to Green Lake or Georgetown Lake. Ford said the cost of this storage would be 50% of the water put into Guanella Reservoir. He said this has already gone before the City Council of Golden and been approved.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB15, An Ordinance Approving a Water Storage Agreement Between the City of Black Hawk and the City of Golden 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 Johnson **MOVED** and was **SECONDED** by Alderman Torres to Approve CB15, An Ordinance Approving a Water Storage Agreement Between the City of Black Hawk and the City of Golden.

MOTION PASSED

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

B. Resolution 47, A Resolution Approving the Comprehensive Sign Plan and Conditionally Approving a Certificate of Appropriateness for the 1859 Est. Comprehensive Sign Plan

Mayor Spellman read the title and opened the public hearing.

Baseline Corporation Consultant Vince Harris introduced the agenda item. Jim Tacconi was present on behalf of the applicant 1859 Est. located at 231 Gregory Street. Harris said the applicant is requesting additional square footage from their previous sign plan. He said it would be an additional 80 square feet distributed over 17 signs, such as: window decals, one additional blade sign, two electronic message centers, and two “swoop flags” for special events to go with a Special Event permit. Staff recommends approval with three conditions as listed in the packet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 47, A Resolution Approving the Comprehensive Sign Plan and Conditionally Approving a Certificate of Appropriateness for the 1859 Est. Comprehensive Sign Plan 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 Johnson **MOVED** and was **SECONDED** by Alderman Bennett to Approve Resolution 47, A Resolution Approving the Comprehensive Sign Plan and Conditionally Approving a Certificate of Appropriateness for the 1859 Est. Comprehensive Sign Plan with staff’s recommendations.

MOTION PASSED

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

C. Resolution 48, A Resolution Approving the Certificate of Appropriateness for the Mountain Mocha Café Standard Sign Plan

Mayor Spellman read the title and opened the public hearing.

Baseline Corporation Consultant Vince Harris explained the request for an additional 35.3 square feet of signage to include one new blade sign, one new wall sign, and two new window signs. Jeremy, the owner of Mountain Mocha, was present. Staff recommends approval with two conditions as listed in the packet.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on Resolution 48, A Resolution Approving the Certificate of Appropriateness for the Mountain Mocha Café Standard Sign Plan 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 Moates **MOVED** and was **SECONDED** by Alderman Midcap to Approve Resolution 48, A Resolution Approving the Certificate of Appropriateness for the Mountain Mocha Café Standard Sign Plan with staff's recommendations.

MOTION PASSED

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

8. ACTION ITEMS:

D. Resolution 49, A Resolution Accepting City of Black Hawk 2014 Audit

Mayor Spellman read the title.

Finance Director Hillis explained the 2014 Comprehensive Annual Financial Report conducted by John Cutler & Associates. The City was issued a clean or unqualified opinion, which is the best type of opinion one could receive from an external auditor.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 49, A Resolution Accepting City of Black Hawk 2014 Audit.

MOTION PASSED

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

E. Resolution 50, A Resolution Awarding the Propane Supplier Services Agreement with Polar Gas in an Amount Not To Exceed \$17,145.00

Mayor Spellman read the title.

Public Works Director Isbester and Water Department Superintendent Jason Fredericks explained that Xcel Energy is converting the Mesa facilities over to natural gas, so the only place that would need propane is the Hidden Valley Water Treatment Plant. Isbester said that part of the RFP was to purchase two 1000 gallon tanks so that they would have the authority to go out to bid each year just for the propane. He said they received in four bids and recommended awarding the business to Polar Gas.

MOTION TO APPROVE

Alderman Torres **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 50, A Resolution Awarding the Propane Supplier Services Agreement with Polar Gas in an Amount Not To Exceed \$17,145.00

MOTION PASSED

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

F. Local Liquor Authority Consideration of the Certification of a Promotional Association and Common Consumption Area for Horseshoe Gilpin Inc.

Mayor Spellman read the title.

City Attorney Hoffmann explained the history behind the 2012 ordinance to adopt an entertainment district and the Department of Revenue's Bulletin to allow a local licensing authority to extend the hours of the operation of a common consumption area and attached liquor licensed premises. Hoffman noted this was the City's first application under this ordinance.

Attorney Bob Dill was present on behalf of the applicant and provided a public presentation. Also present were Brian Cloud, General Manager of Canyon Casino and T. Alan Roberts, General Manager of the Gilpin Casino.

Police Chief Cole had included in the packet some recommendations for Council in regards to enforcement. City Attorney Hoffman said the applicant is meeting the requirements of the ordinance by listing the dates and times of operation, but suggests to authorize the Common Consumption Area to operate 24 hours, to better regulate policing, yet this would not require them to operate 24 hours. Hoffman suggests having future applicants seek authorization for 24 hours, yet still fill out the application with specific dates and times of their proposed operation.

Mayor Spellman reminded everyone that the City Council can revoke at any time for violations and this certification must be renewed each year. Brian Cloud explained their security plan in depth. Chief Cole had also suggested a 90 day review to see what the challenges are. Mayor Spellman said the financials were due by October 20, so that would be another item to review within that timeframe.

City Attorney Hoffman asked Cloud about the negative impact on the highways of folks leaving the casino and Cloud said they have removed that trigger that causes the mass exodus by extending the hours past 2:00 a.m. He said this should put less people on the road at any one given time. Mayor Spellman wanted to note for the record that the casinos currently do an outstanding job complying with liquor laws, as this is their Gaming License on the line.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Torres to approve the Certificate for a Promotional Association and

Common Consumption Area for Horseshoe Gilpin Inc., to authorize operations for 24 hours, and to conduct a 90 day review.

MOTION PASSED

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

9. CITY MANAGER
REPORTS:

Acting City Manager Hillis had nothing to report.

10. CITY ATTORNEY:

City Attorney Hoffmann had nothing to report.

11. EXECUTIVE SESSION: City Attorney Hoffmann recommended item numbers 2 and 5 for Executive Session, in regards to legal issues concerning radio coverage, pending legislation, and a potential land use application in Gilpin County.

**MOTION TO
ADJOURN INTO
EXECUTIVE
SESSION**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson to adjourn into Executive Session at 3:40 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 Moates **MOVED** and was **SECONDED** by Alderman Johnson to adjourn the Executive Session at 4:49 p.m.

MOTION PASSED

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

13. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:49 p.m.

Melissa A. Greiner
City Clerk

David D. Spellman
Mayor

COUNCIL BILL 16
ORDINANCE 2015-16
AN ORDINANCE TO REPEAL
AND REENACT ARTICLE XIII
OF CHAPTER 6 OF THE
BLACK HAWK MUNICIPAL
CODE CONCERNING
PEDDLERS AND SOLICITORS

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: 16

ORDINANCE NUMBER: 2015-16

TITLE: AN ORDINANCE TO REPEAL AND REENACT ARTICLE XIII OF CHAPTER 6 OF THE BLACK HAWK MUNICIPAL CODE CONCERNING PEDDLERS AND SOLICITORS

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

Section 1. Article XIII of Chapter 6 of the City of Black Hawk Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Article XIII

Residential Solicitation

Sec. 4-411. Findings and Legislative Intent.

The City Council makes the following legislative findings:

(a) The City of Black Hawk is a home rule municipal corporation organized in accordance with article XX of the Colorado Constitution;

(b) The City of Black Hawk has an interest in protecting its citizens' right to privacy in their own homes, in preserving the public peace and order, and in protecting the public safety and welfare;

(c) The City of Black Hawk has a residential community whose residents value the peace and quiet enjoyment of their private property;

(d) The City Council finds that unregulated door-to-door solicitation within the City would degrade and have an adverse impact on the peace and quiet enjoyment of private property;

(e) Criminal activity on private property often occurs during nighttime hours;

(f) The City Council finds and determines that unregulated door-to-door solicitation within the City would present a danger to City residents and their private property;

(g) The City Council finds and determines that the interests of the City and of the public are accommodated by a regulatory scheme that permits solicitation during reasonable daytime and evening hours while promoting public safety through the use of a reasonable registration method;

(h) The City Council finds that the owner or occupant should be given the opportunity to post signs prohibiting entry onto his or her property for door-to-door commercial solicitation and the opportunity to opt in to a no-visit list prohibiting entry onto their property for door-to-door commercial solicitation and that these methods provide a balance between the individuals' right to privacy within their home, promote and protect the safety and privacy of the public, and protect the interests of commercial solicitors; and

(i) The City Council desires to adopt a regulatory program in furtherance of these interests, purposes, and goals.

Sec. 6-412. Definitions.

As used in this Article, unless the context otherwise requires, the following words shall have the following meanings:

Canvasser means a person who enters or remains upon any private premises in the City, not having been requested or invited by the occupants thereof, for the purpose of distributing a noncommercial flyer or for the purpose of attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause.

Clerk means the City Clerk of the City.

Commercial flyer means any printed or written material, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, publication, booklet, handbill, or other printed or otherwise reproduced original or copy of any manner of literature or paper containing a written or pictorial message that is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for any direct or indirect private financial gain of any person or entity so engaged as advertiser or distributor, except that a telephone directory or newspaper of general circulation in the City published primarily for the purpose of disseminating news shall not be considered a *commercial flyer*.

Commercial solicitor means any person, whether as volunteer, owner, agent, consignee, or employee, who engages in door-to-door commercial solicitation.

Door-to-door commercial solicitation means to enter or remain upon any private premises in the City, not having been requested or invited by the occupants thereof, to attempt to make or to make personal contact with the occupant for the primary purpose of:

(1) contacting to solicit the immediate or future purchase or sale of any goods, wares, or merchandise, other than newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries, or exposes a sample of such goods, wares, or merchandise, and whether or not he or she is collecting advance payments for such sales; or

(2) personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good, or service that is offered to the resident for purchase at a location away from the residence or at a future time.

Door-to-door noncommercial solicitation means to enter or remain upon any private premises in the City, not having been requested or invited by the occupants thereof, to attempt to make or to make personal contact with the occupant for the primary purpose of:

(1) seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3);

(2) soliciting the sale of goods, wares, or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3);

(3) personally delivering to the resident a handbill or flyer advertising a future, not-for-profit event, activity, good, or service;

(4) proselytizing on behalf of a religious organization; or

(5) soliciting support for a political candidate or organization, or ballot measure or ideology.

Employer means any person, company, corporation, business, partnership, organization, or any other entity on behalf of whom a person is acting.

Noncommercial flyer is any printed or written material, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, booklet, handbill, or any other printed or otherwise reproduced original or copy of any manner of literature or paper containing a written or pictorial message that is distributed or circulated solely for nonprofit purposes.

Noncommercial solicitor means any person, whether as volunteer, owner, agent, consignee, or employee, who engages in door-to-door noncommercial solicitation.

Permit means a document issued by the City Clerk authorizing a commercial solicitor to engage in door-to-door commercial solicitation.

Permit holder means any person to whom a permit has been issued under the provisions of this Article.

Person means a natural person or business entity, such as, without limitation, a corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership, or any group or combination thereof.

Residence means private residences located within the City, including, but not limited to, houses, condominium units, and apartments, or the yards, grounds, or hallways thereof.

Sales tax means the tax authorized and levied by and within the City, pursuant to ordinance.

City means the City of Black Hawk, Colorado.

Sec. 6-413. All solicitation prohibited by posting of “No solicitation” or “No Trespassing” sign.

It shall be unlawful for any solicitor, including any commercial solicitor and any noncommercial solicitor, to enter or remain upon any public or private premises in the City if a “No Solicitation”, “No Trespassing”, or other sign conveying a similar message is posted at or near the entrance or entrances to such premises. This provision shall apply to all solicitation including, without limitation, all solicitation activities that are religious, charitable, or political in nature and all solicitation of newspaper or magazine subscriptions.

Sec. 6-414. “Do Not Solicit” list for commercial solicitations.

(a) Any owner or lawful occupant of private property within the City who wishes to prohibit door-to-door commercial solicitation at his or her residence may register such property on the City’s “Do Not Solicit” list by completing a form prepared by the City Clerk, which form may be submitted to the City either in person, by mail, or on the City’s website. Such registration shall take effect thirty (30) calendar days after the date of the City’s receipt of the registration form and shall remain in effect until cancelled by the owner or occupant, or until the person filing the form ceases to be the owner or occupant of the property, whichever occurs soonest.

(b) The City Clerk shall maintain and publish on the City’s website a “Do Not Solicit” list consisting of all residential addresses that have been registered under subsection (a) above and that have not been removed by the City under subsection (d) below or by the owner or lawful occupant of the registered property. Each permit holder shall be responsible for obtaining and reviewing a copy of such list immediately upon issuance of a permit under this Article and at such intervals thereafter as may be reasonably necessary to ensure compliance with the requirements of subsection (c) below.

(c) As of the effective date of the registration of a residential address under subsection (a) above, no person shall engage in door-to-door commercial solicitation at any property listed on the “Do Not Solicit” list. All door-to-door commercial solicitation at any such property shall be prohibited until such time, if at all, that the property has been removed from the “Do Not Solicit” list.

(d) Each residential address appearing on the City’s “Do Not Solicit” list will remain on the list until cancelled by the owner or occupant, or until the person filing the form ceases to be the owner or occupant of the property, whichever occurs soonest.

(e) Neither the City nor any of its officers, employees, agents, or authorized volunteers shall be liable to any person for any injuries, damages, or liabilities of any kind arising from or relating to any errors or omissions that may occur in compiling or maintaining the “Do Not Solicit” list.

Sec. 6-415. Registration required.

No person shall act as a commercial solicitor or otherwise engage in door-to-door commercial solicitation within the City without first registering with the City Clerk and obtaining a permit in accordance with this Article. Canvassers and noncommercial solicitors are not required to register or obtain a permit, but may do so for the purpose of reassuring City residents of the canvasser or noncommercial solicitor’s good faith.

Sec. 6-416. Permits and identification badges for commercial solicitors.

(a) Any person seeking to engage in commercial door-to-door solicitation, when not previously requested or invited to do so by the owner or occupant of the residence, must obtain a permit from the City Clerk and pay the permit fee as provided in this Article before commencing any commercial door-to-door solicitation.

(b) All permits shall be issued in the name of the applicant. Upon issuance of each permit, the City Clerk shall create and maintain a list of all persons authorized to engage in door-to-door commercial solicitation under the permit. It shall be the sole responsibility of the permit holder to:

(1) provide a copy of the permit to each person authorized to engage in solicitation under the permit;

(2) ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this Article;

(3) notify the City Clerk in writing of any persons to be added to or removed from the list of authorized solicitors; and

(4) submit to the City Clerk, for each person to be added to such list, the information required under Section 6-418(c), together with payment of the identification badge fee.

(c) Permit applicants shall submit their applications to the City Clerk via mail or in person. The City Clerk shall, within ten (10) business days of the receipt of a complete application for a permit under this Article, issue such permit, together with identification badges for all persons authorized to engage in door-to-door commercial solicitation under the permit, unless the City Clerk determines that the permit application is denied.

(d) Subsequent to the issuance of any permit, and upon receipt of the information and fee required by this Section, the City Clerk shall, within five (5) business days, issue an identification badge to any new or additional person that is to be authorized to solicit under the permit, so long as such person is not otherwise prohibited from solicitation under this Article. The City Clerk shall also, within five (5) business days, issue a replacement identification badge to any permitted commercial solicitor who, by affidavit, notifies the City Clerk that his or her identification badge has been lost or stolen, and who pays an additional identification badge fee set forth in Section 6-417(b).

(e) If an employer applies for and is granted a permit under this Article, the employer shall be entitled to obtain identification badges from the City Clerk for each employee or agent authorized to solicit under the permit.

(f) Each employer who engages any other person for salary, compensation, or other remuneration to engage in door-to-door commercial solicitation, shall, before commencing such solicitation, register and obtain a sales tax license from the City and pay the license fee as provided by Section 4-70 of this Code.

Sec. 6-417. Fees.

(a) Permit fee. The permit fee for each permit issued hereunder shall be set by separate Resolution of the City Council. Such permits shall be issued for one (1) year. In addition, each person engaging in door-to-door commercial solicitation under such permit shall be required to pay an amount to be determined by separate Resolution of the City for the providing of an identification badge.

(b) Replacement identification badge fee. The fee to replace a lost or stolen identification badge shall be in an amount to be determined by separate Resolution of the City.

Sec. 6-418. Application contents.

Each person applying for a door-to-door commercial solicitation permit shall submit to the City Clerk an affidavit on a form supplied by the City Clerk stating:

- (a) The full name, business address, and business telephone number of the applicant;
- (b) A complete list of all persons to be authorized to solicit under the permit

(c) For each person to be authorized to solicit under a permit, the following information:

(1) name, address, telephone number, and date of birth;

(2) a current copy of the person's criminal background check, as provided by the Black Hawk Police Department, dated no more than sixty (60) days prior to the date of the application or the person's authorization for the City Clerk to conduct a criminal background check;

(3) whether the person is presently on parole or probation for any criminal violations;

(4) a description of the individual, including height, weight, eye color, and hair color;

(5) the number and state of issuance of the person's motor vehicle operator's license or chauffeur's license, if any, or copy of other state-issued photo identification;

(6) the license plate number and state of issuance of any motor vehicle owned, rented, or being driven by the person and of any motor vehicle which the person intends to use in the course of door-to-door commercial solicitation, a description of such vehicle, and the name and address of the owner of such vehicle;

(7) a brief explanation of the nature of the door-to-door commercial solicitation activity requiring a permit under this Article;

(8) if the applicant is a foreign corporation or an employee of a foreign corporation, the name, address, and telephone number of an agent for process residing in the state of Colorado;

(9) proof that the applicant has obtained a valid City of Black Hawk sales tax license;

(10) a list of all cities in which the applicant presently holds a peddler's or solicitor's license;

(11) whether the applicant is presently on parole or probation for any criminal violations;

(12) the names, business addresses, and business telephone numbers of all individuals employing and/or supervising the applicant; and

(13) the number of permits requested and the names and addresses of all persons who may use such permits, not to exceed twenty-five (25) permits.

Sec. 6-419. Grounds for denying permit.

(a) The City Clerk may deny the issuance of a permit for any of the following reasons:

(1) Any misrepresentation, fraud, deception, breach of warranty, or breach of contract in the City or elsewhere;

(2) Failure to comply with this Article or violation of any ordinance applicable to the applicant's permitted activities;

(3) Failure to obtain a sales tax license as required by the City or failure of the applicant, his or her supervisor, or his or her employer to remit any sales tax due to the City;

(4) Any felony conviction for crimes against the person or property of another, or institutionalization for mental illness which caused acts of violence against the person or property of another; provided, however, that such felony convictions or institutionalization occurred within the five (5) years preceding the date of the application.

(5) Conviction of any crime committed while engaged in solicitation in the City.

(b) For purposes of this Section:

(1) *Crimes or acts of violence against the person of another* shall include homicide, attempted homicide, rape, attempted rape, sexual assault, assault, battery, and other similar felonies involving moral turpitude by whatever name;

(2) *Crimes or acts against the property of another* shall include theft, burglary, breaking and entering, larceny, and other similar felonies involving moral turpitude by whatever name.

Sec. 6-420. Revocation of permit.

If the City Clerk finds that any of the grounds for denial set forth in Section 6-419 above exist, or that an applicant has made a false statement in his or her application, or that an employer has failed to supervise solicitation conducted under the permit so as to reasonably ensure that such solicitation is in compliance with the terms of the permit and with the provisions of this Article, or that the permit holder has authorized, condoned, or knowingly tolerated any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety, or general welfare of the public, the City Clerk shall revoke and shall not renew the permit. The permittee may appeal the City Clerk's decision in the manner set forth in Section 6-423 below.

Sec. 6-421. Transfer of permits.

Permits may not be transferred from person to person.

Sec. 6-422. Records.

The City Clerk shall maintain records showing each permit issued and the alleged violations of this Article.

Sec. 6-423. Appeal.

At his or her election, an applicant may appeal any decision relating to his or her permit by the City Clerk to the City Council. If the applicant requests, the City Council shall hold a hearing pursuant to the procedures set forth in the City Charter, Ordinances and Resolutions of the City. The City Council's decision shall be by a majority of a quorum of the City Council.

Sec. 6-424. Expiration of permit.

Each permit shall expire one year from the date of issuance, unless otherwise revoked as provided by law. Any person wishing to renew a permit must apply for the renewal no less than thirty (30) days prior to the expiration of its term. Said application shall be accompanied by a criminal background check as required under Section 6-418(c) for each person who is to be authorized to solicit under the permit during its renewal term. Failure to apply for such renewal within said thirty (30) day time period shall result in the expiration of the permit. The renewal fee shall be determined by the City Clerk in an amount sufficient to defray the costs incurred by the City in processing the renewal application. Said fee shall be nonrefundable

Sec. 6-425. Identification badges.

The City Clerk shall issue to each permitted commercial solicitor, at the time of the delivery of his or her permit, an identification badge bearing the words "Permitted Solicitor", the period of time for which the permit issued, and the number of the permit. The identification badges shall contain a photograph of the solicitor and include the names of the solicitor and employer, if any. Each permitted commercial solicitor shall conspicuously display such identification badge whenever he or she is engaged in door-to-door commercial solicitation. The City Clerk may cause the same document to be used as the identification badge and the permit.

Sec. 6-426. Exhibit of permit.

Whenever requested by any police officer or by any customer or prospective customer of the commercial solicitor, the commercial solicitor shall exhibit his or her identification badge and his or her permit.

Sec. 6-427. Permissible times.

All door-to-door commercial solicitation and all door-to-door noncommercial solicitation shall be undertaken and completed between the hours of 9:00 a.m. and the later of 8:00 p.m. or sunset, as announced and published by the National Weather Service daily.

Sec. 6-428. Distribution of handbills and commercial flyers.

In addition to the other regulations contained in this Article, a person attempting to distribute or distributing commercial or noncommercial flyers within the City shall observe the following regulations:

- (1) No commercial or noncommercial flyer shall be left at or attached to any sign, utility pole, transit shelter, or other structure within the public right-of-way.
- (2) No commercial or noncommercial flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
- (3) Any commercial solicitor observed distributing commercial flyers shall be required to identify himself or herself to the police and verify his or her registration.

Sec. 6-429. Construction.

It is the intent of the City Council that not only each person who engages in door-to-door commercial solicitation in the City, but also each principal on behalf of whom such person is acting, shall be registered and permitted as required by this Article.

Sec. 6-430. Exemptions

(a) The following classes of persons otherwise engaging in door-to-door commercial solicitation shall not be required to obtain a permit otherwise required by this Article:

- (1) Delivery persons or route persons who are engaged in the business of servicing and soliciting in connection with sales and delivery routes of newspapers, milk and bread;
- (2) All companies that have a franchise agreement with the City;
- (3) Persons advocating civic, religious, charitable, or political causes;
- (4) Members of a nationally recognized youth organization including, but not limited to, the Boy Scouts of America, the Girl Scouts of America, and the Boys and Girls Clubs of America, engaging in such organization's sponsored fundraising events; and
- (5) School children engaging in school authorized or sponsored fundraising activities.

(b) Notwithstanding the exemptions contained in this Section, such persons otherwise exempt pursuant to Paragraphs (1) through (5) of Subsection (a) above shall not be required to obtain an identification badge as described in 6-425 prior to engaging

in door-to-door commercial solicitation or solicitation of contributions, and shall not pay the fee for such identification badge as set forth in Section 6-417(b) above.

Sec. 6-431. Violation; penalties.

(a) It is unlawful for any person to engage in door-to-door commercial solicitation without a permit or an identification badge as required by this Article; any person who so engages in door-to-door commercial solicitation shall, upon conviction, be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00) per offense. Each day of such violation shall be deemed a separate offense.

(b) It is unlawful for any applicant, permittee, or solicitor to violate any Section of this Article. Any such violator shall, upon conviction, be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00) and shall be subject to having his or her permit, permit application, and/or identification badge revoked, suspended, or denied. Each violation of the provisions of this Article shall be deemed a separate offense.

(c) It is unlawful for any person to employ any other person to engage in door-to-door commercial solicitation for a salary, commission, or other remuneration in the City, without causing such employee to comply with this Article, and such person shall, upon conviction, be punished by a fine of not more than four hundred ninety-nine dollars (\$499.00) and shall be subject to having his or her permit, permit application, and/or identification badge revoked, suspended, or denied. Each person employed without compliance with the provisions of this Article shall be deemed a separate offense.

(d) Any person in violation of Section _____ shall, upon conviction, be punished by a fine not to exceed four hundred ninety-nine dollars (\$499.00) per offense and, if a commercial solicitor, shall be subject to having his or her permit, permit application, and/or identification badge revoked, suspended, or denied.

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 8th day of July, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Repeal and Reenact Article XIII of Chapter 6 of the Black Hawk Municipal Code Concerning Peddlers and Solicitors

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

MOTION TO APPROVE Council Bill 16, An Ordinance to Repeal and Reenact Article XIII of Chapter 6 of the Black Hawk Municipal Code Concerning Peddlers and Solicitors

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Staff recommends to City Council that the interests of the City and of the public are accommodated by a regulatory scheme that permits solicitation during reasonable daytime and evening hours while promoting public safety through the use of a reasonable registration method. The proposed ordinance reflects recent court decisions that have been issued since the 2007 version in the Municipal Code was adopted.

AGENDA DATE: July 8, 2015

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: [X]Yes []No

STAFF PERSON RESPONSIBLE: Melissa A. Greiner, City Clerk

DOCUMENTS ATTACHED: Ordinance 2015-16

RECORD: []Yes [X]No

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

SUBMITTED BY:

REVIEWED BY:



Melissa A. Greiner, City Clerk



Jack D. Lewis, City Manager

RESOLUTION 51-2015
A RESOLUTION
RATIFYING THE
APPROVAL OF THE
CONTRACT TO BUY AND
SELL REAL ESTATE
BETWEEN THE CITY AS
BUYER AND JANET E.
FICKE AND TOWNSEND
SHIELDS AS SELLER OF
THE CYCLOPS LODE
MINING CLAIM

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 51-2015

TITLE: A RESOLUTION RATIFYING THE APPROVAL OF THE CONTRACT TO BUY AND SELL REAL ESTATE BETWEEN THE CITY AS BUYER AND JANET E. FICKE AND TOWNSEND SHIELDS AS SELLER OF THE CYCLOPS LODE MINING CLAIM

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

Section 1. The Contract to Buy and Sell Real Estate between the City of Black Hawk as Buyer and Janet E. Ficke and Townsend Shields collectively as the Seller, attached hereto as **Exhibit A**, is hereby ratified and approved.

RESOLVED AND PASSED this 8th day of July, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

EXHIBIT A

CONTRACT TO BUY AND SELL REAL ESTATE

JANET E. FICKE AND TOWNSEND SHIELDS as their interest may apply, hereinafter called "Owner", whose address is P. O. Box 427, Hubbell, Michigan 49934, in consideration, noted below, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, agrees to sell to **CITY OF BLACK HAWK**, a municipal corporation, P. O. Box 68, Black Hawk, Colorado, 80422, hereinafter called "City", and City agrees to purchase, the following described real estate interests, hereinafter referred to as "Property", situate in the County of Gilpin, State of Colorado, to-wit:

The Cyclops Lode Mining Claim, U. S. Mineral survey No. 787,
as described in U.S. Patent recorded June 9, 1884, in Book 93, Page 201,
County of Gilpin, State of Colorado

together with all improvements thereon and appurtenances thereto currently on the Property, in their present condition, ordinary wear and tear excepted, for the purchase price of **THREE HUNDRED THOUSAND AND NO/100'S DOLLARS (\$300,000.00)**, payable by cash or certified funds, delivered to Owner at closing and upon delivery of deed as set forth in Paragraph 1 below, at the time and place of closing to be mutually agreed to by the parties hereto, less any amounts to be withheld in accordance with this contract, and further subject to all terms and conditions hereof as follows:

1. **TITLE TRANSFER AT CLOSING**

(a) Owner shall execute and deliver to City a Bargain and Sale Deed for and possession of the Property at the closing to be held on **July 17, 2015** (or by mutual agreement, at a later date), conveying, said Property described on Exhibit A, free and clear of all taxes, except the general taxes for the year of closing, and free and clear of all liens for special improvements installed as of the date of closing, whether assessed or not, free and clear of all liens, encumbrances, tenancies, leases, restrictive covenants and easements.

2. **PRORATIONS**

Owner shall pay all personal property taxes on fee interests to be conveyed to City due for the year of closing and all preceding years. General property taxes for the year of closing shall be apportioned between the parties to the date of delivery of deed; however, Owner shall be responsible for taxes, interest and penalties for the preceding years. Prepaid rents, water rents, and sewer rents, if any, shall be apportioned to date of delivery of deed.

3. **PERFORMANCE**

Time is of the essence hereof, and all terms, conditions and covenants shall be tendered or performed as specified herein.

4. **LEGAL AUTHORITY OF OWNER**

Owner represents and covenants to City that they comprise all of the parties who have a fee interest in said Property described in the attached exhibits, and that they have full and lawful authority to enter into this contract.

5. **REPRESENTATIONS AND WARRANTIES**

Owner represents and warrants to City: (a) Owner has no actual knowledge and has received no written notice of violation of any federal, state, or local laws, statutes, ordinances, codes, orders, regulations or other requirements of governmental entities having jurisdiction over and affecting the Property, and further that it will notify City if it obtains actual knowledge of or receives written notice of any such violation prior to Closing; and (b) Owner has no actual knowledge of any pending lawsuits, legal proceedings or governmental investigations or proceedings involving the Property other than the potential or threat of a condemnation proceeding filed by the City against Owner.

6. **TITLE**

The City shall obtain and pay for a commitment for title insurance policy to be issued by a title insurance company selected by the City. City shall deliver a copy of the title commitment to Owner on or before **June 12, 2015**.

7. **DEFAULT**

If the Owner is in default of the Contract, the City may, at its option, (a) extend the closing up to a maximum of 90 days, (b) terminate this contract, or (c) bring an action against Owner for specific performance or damages, or both and the prevailing party shall be entitled to costs and reasonable attorney's fees against the non-prevailing party for its failure to perform hereunder.

In the event City should default in its obligation to acquire the Property in accordance with this Contract, Owner shall have the right to bring action against City for specific performance and the prevailing party shall be entitled to costs and reasonable attorney's fees against the non-prevailing party for its failure to perform hereunder.

8. **RELEASE**

The City and Owner, on behalf of themselves as well as their successors, assigns, representatives and heirs hereby release and discharge each other and all of each other's agents, employees, representatives, attorneys, successors and assigns, fully and finally, from and against any and all rights, demands, claims, disputes, actions, liabilities, set-offs, causes of action, suits, debts, sums of money, accounts, controversies, trespasses, damages, attorney's fees, costs and expert witness fees, whether claimed or unclaimed, contingent or unforeseen, including but not limited to injuries or damages of any kind or nature or which may thereafter in any way grow out of or be connected with the City's acquisition of property rights, other than claims to enforce this Agreement.

9. **COMPLETE AGREEMENT**

This contract is an integration and expresses the entire agreement between all the parties, and the parties hereto agree that neither has made or authorized any agreement with respect to the subject matter of this instrument other than expressly set forth herein, and no oral representation,

promise, or consideration different from the terms herein contained shall be binding on either party, or its agents or employees, hereto.

10. **VALID CONTRACT**

When duly executed by all the parties, this agreement shall be specifically enforceable by any court of competent jurisdiction. If this agreement is executed by all parties hereto this instrument shall become a contract between said parties and shall be binding upon and shall inure to the benefit of the parties, their heirs, successors and assigns.

11. **BINDING EFFECT**

Whenever used herein, the singular number shall include the plural, the plural the singular; and the use of any gender shall be applicable to all genders. All of the covenants herein contained shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, personal representatives, successors and assigns.

12. **THREAT OF CONDEMNATION/COMPROMISE AND SETTLEMENT**

City provided a Notice of Intent to Acquire the Property by exercising the power of eminent domain. The Property is being sold under a threat of condemnation and this Contract is entered into in compromise and settlement of threatened eminent domain litigation.

(Balance of page left intentionally blank)

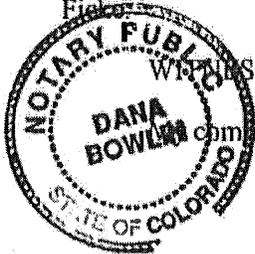
WITNESS my hand and seal this 8th day of June, 2015.

OWNER: Janet E. Ficke, by
Scott D. Albertson, Attorney in Fact

Janet E. Ficke by Scott D. Albertson
Attorney-in-Fact

STATE OF COLORADO)
COUNTY OF Jefferson) ss.

The above and foregoing Contract to Buy and Sell Real Estate was acknowledged before me this 8th day of June, 2015, by Scott D. Albertson, Attorney in Fact for Janet E. Ficke.



WITNESS my hand and official seal:

My commission expires: 1/14/17

Dana Bowlin
Notary Public

OWNER: Townsend Shields, by
Scott D. Albertson, Attorney in Fact

Townsend Shields by Scott D. Albertson
Attorney-in-Fact

STATE OF COLORADO)
COUNTY OF Jefferson) ss.

The above and foregoing Contract to Buy and Sell Real Estate was acknowledged before me this 8th day of June, 2015, by Scott D. Albertson, Attorney in Fact for Townsend Shields.



WITNESS my hand and official seal:

My commission expires: 1/14/17

Dana Bowlin
Notary Public

CITY OF BLACK HAWK, COLORADO

BY: Lance R. Hillis Acting City Manager
David D. Spellman, Mayor
Lance R. Hillis, Acting City Manager

ATTEST:

Melissa A. Greiner
Melissa A. Greiner, City Clerk

Approved as to form:

Corey Y. Hoffmann
Corey Y. Hoffmann, City Attorney

POWER OF ATTORNEY
(REAL ESTATE)

JEF

KNOW ALL MEN BY THESE PRESENTS that I, Janet E. Ficke, of the County of Adams, State of Colorado, do make, constitute, and appoint Scott D. Albertson of the County of Jefferson, State of Colorado, to act as my true and lawful attorney for me and in my name, place, and stead for my sole use and benefit to grant, bargain, sell, convey, purchase, encumber, or contract for the sale of the following described real estate situate in the County of Gilpin, State of Colorado, to wit:

The Cyclops Lode Mining Claim, U. S. Mineral Survey No. 787, as described in U. S. Patent recorded June 9, 1884, in Book 93, Page 201, County of Gilpin, State of Colorado.

My said attorney-in-fact is hereby empowered to collect such monies as may become due from the sale, or loan, and to make, execute, acknowledge, and deliver contracts for sale, deeds (with or without warranty of title), and other instruments in writing of every kind and nature, including, but not limited to, the sale and loan closing documents and statements, upon such terms and conditions as my said attorney may deem necessary and convenient to accomplish such sale, purchase, encumbrance, or conveyance of said real estate. My said attorney shall have full power and authority to do and perform all acts necessary to be done to complete a sale, purchase, encumbrance or conveyance of said real estate, with full power of revocation, hereby ratifying and confirming all that said attorney shall lawfully do or cause to be done by virtue of this Power of Attorney and the powers contained herein

*This Power of Attorney shall not be affected by disability of the principal.

~~*This Power of Attorney shall become effective upon the disability of the principal.~~

*This Power of Attorney shall automatically expire by its own terms upon completion of the limited purpose set forth above.

EXECUTED this 2nd day of June, 2015.

Janet E. Ficke
Janet E. Ficke, Principal

State of Colorado)
)ss.
County of Adams)

The foregoing instrument was acknowledged before me on 2nd JUN, 2015, by Janet E. Ficke

My Commission expires
Witness my hand and official seal.

Salwa S. Youssef
Notary Public

SALWA S. YOUSSEF
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134065819
MY COMMISSION EXPIRES DECEMBER 2, 2017

RESOLUTION 52-2015

**A RESOLUTION
APPROVING THE DESIGN
CONTRACT WITH
STOLFUS & ASSOCIATES,
INC. IN AN AMOUNT NOT
TO EXCEED \$90,660.00 TO
PERFORM THE
NECESSARY
ENGINEERING ANALYSIS
AND DESIGN FOR THE
HIDDEN TREASURE
TRAILHEAD PROJECT**

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 52-2015

TITLE: A RESOLUTION APPROVING THE DESIGN CONTRACT WITH STOLFUS & ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$90,660.00 TO PERFORM THE NECESSARY ENGINEERING ANALYSIS AND DESIGN FOR THE HIDDEN TREASURE TRAILHEAD PROJECT

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

Section 1. The City Council hereby approves the design contract with Stolfus & Associates, Inc. in the amount not to exceed \$90,660.00 to perform the necessary engineering analysis and design to complete the 30% preliminary plans for the Hidden Treasure Trailhead Project.

RESOLVED AND PASSED this 8th day of July, 2015.

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk



CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: Approve Resolution 52, a resolution approving the **Hidden Treasure Trailhead Preliminary Design Project** Professional Services contract.

RECOMMENDATION: If City Council chooses to approve Resolution 52, a resolution approving the design contract for the Hidden Treasure Trailhead Preliminary Design Project, the recommended motion is as follows:

“Approve the Resolution 52, a resolution approving the design contract with **Stolfus & Associates, Inc.** in the amount not to exceed **\$90,660.00** to perform the necessary engineering analysis and design to complete 30% preliminary plans for the Hidden Treasure Trailhead Project.”

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

As part of the Maryland Mountain Open Space project, a parking and trailhead concept has been developed for the site along Hwy 119 where the Warming House historically was located. A pedestrian and bicycle bridge will be required to cross the Highway and North Clear Creek to access the trail system. There are also potential impacts to the creek that must be accounted for as well as impacts to the highway right of way. This is basically the feasibility portion of this project. This is a fairly complex project with many subcontract specialties required. This preliminary work will include survey and geotech as well as structural investigations. Coordination with CDOT for improvements in their right of way and access permits associated with the parking lot will be evaluated. Several bridge concepts will be looked at and a final concept will be selected to move into final design and permitting. Coordination with the City’s landscape architect working on the open space is included.

Stolfus and Associates, Inc. have successfully completed many projects in the City of Black Hawk and along the Highway 119 corridor and have the requisite experience to complete this project.

FUNDING SOURCE: 305-3101-431.75-15-Maryland Mtn Improvements

WORKSHOP DATE: 6/10/15

ORIGINATED BY: Thomas Isbester

STAFF PERSON RESPONSIBLE: Thomas Isbester

PROJECT COMPLETION DATE: estimated 12/31/15

DOCUMENTS ATTACHED: none

CITY ATTORNEY REVIEW: []Yes []No []N/A INITIALS_____

SUBMITTED BY:



Thomas Isbester, Public Works Director

REVIEWED BY:



Jack Lewis, City Manager

**Consideration of Request for
Extended Hours for the
Monarch Casino's Special
Event Permit for the Phase III
Reopening Ceremony**

CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Monarch Casino Special Event Permit for Searchlights – Request for Extended Hours

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

MOTION TO APPROVE extended hours for Monarch Casino’s Special Event Permit for the Phase III Reopening Ceremony until midnight on August 29 and 30, 2015 with staff’s recommendation.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Monarch Casino has submitted an application for a Special Event Permit to allow searchlights until midnight for the Phase III Reopening Ceremony scheduled for August 29 and 30, 2015. The searchlights will be located on top of the parking garage. Black Hawk Municipal Code allows the following:

Sec. 6-335. Hours permitted for special events.

No special event or annual program of special events shall be conducted prior to 8:00 a.m. or later than 10:00 p.m. on any day that the special event(s) is conducted, *unless otherwise approved by the City Council.*

Staff recommends that the search light cannot be angled less than 45 degrees. If angled less than 45 degrees the search light can shine at the other casinos or other nearby buildings.

AGENDA DATE: July 8, 2015

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: [X]Yes[]No

STAFF PERSON RESPONSIBLE: Melissa A. Greiner, City Clerk

DOCUMENTS ATTACHED: Special Event Application for Searchlights – Monarch Casino

RECORD: []Yes [X]No

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

SUBMITTED BY:



Melissa A. Greiner, City Clerk

REVIEWED BY:



Jack D. Lewis, City Manager

JUN 25 2015



BLACK HAWK

SPECIAL EVENT APPLICATION FORM

City of Black Hawk
P.O. Box 68
Black Hawk, CO 80422
303-582-2221

MUST BE RECEIVED AT LEAST 30 DAYS PRIOR TO THE EVENT

Please refer to Black Hawk Municipal Code, Chapter 6, Sec. 6-331 for Special Event Permit information. The City of Black Hawk Municipal Code is available at www.cityofblackhawk.org.

Applicant: Monarch Casino

Address: PO Box 9, 444 Main St.

Contact Person: Erica Ferris Phone: 303-859-7698

Email: EFerris@monarchblackhawk.com

Emergency Contact: Erica Ferris Phone: 720-406-3769 (office)

Name of Event: Phase III Reopening Ceremony

Type of Event: Searchlights-Reopening Casino Floor Promotional Event? YES NO

Event Location: Inside of Monarch Casino - Searchlight on Parking garage

Brief Description of Event: Searchlight on top level of Monarch's parking garage

Event Date(s): August 29 and 30, 2015

Hours of Event: 8pm-10pm. Requesting additional time from 10pm-12am be added to a Council Agenda
Events may take place between the hours of 8 a.m. and 10 p.m., unless otherwise approved by City Council. Agenda

ADDITIONAL INFORMATION REQUIRED FOR THIS REQUEST:

1. A site plan showing the location of the Special Event. Plan must be drawn with detail and clarity (preferably to scale) to demonstrate where everything will be, effects the activity will have on public or private property, and whether additional services will be requested from the City, such as Public Works personnel, or Police Officers.
2. A description of what methods will be used to maintain public safety and security during the event. Provide a traffic control plan for any activity adjacent to City right-of-way. Also include location of all fire extinguishers, electrical power, barriers, etc. where applicable. All event sponsors are responsible for the safety of event attendees and the security of all event-related property. Event sponsors should be prepared to discuss their means of event security, including the size of the staff and whether overnight security will be necessary or not. If the event requires law enforcement services or emergency medical services from the City beyond routine patrol, event sponsors must meet with City staff to discuss.

ADDITIONAL DECLARATIONS:

1. Will vendors be selling food and/or beverages at the event? YES NO
2. Do you want to sell or provide alcoholic beverages at the event? YES NO
3. Will you need to amplify any sound at the event (music, voices, etc.)? YES NO

FEE SCHEDULE:

First Day	\$50
Each Additional Day	\$30

MAKE CHECK PAYABLE TO:
 City of Black Hawk
 PO Box 68
 Black Hawk, CO 80422
ATTN: City Clerk

I hereby certify that the statements made in this application are true and complete to the best of my knowledge, and that I am authorized to execute the requirements of this application.

Erica Ferris
Applicant Signature

6/25/15
Date

FOR OFFICE USE ONLY

✓ Paid \$ 80 + 3 fee = 83 by CC

Received By: Michele Martin

Date: 6/26/15

- City Services Required:
- Police
- Fire
- Public Works

Police Chief Date

CP & D Administrator Date

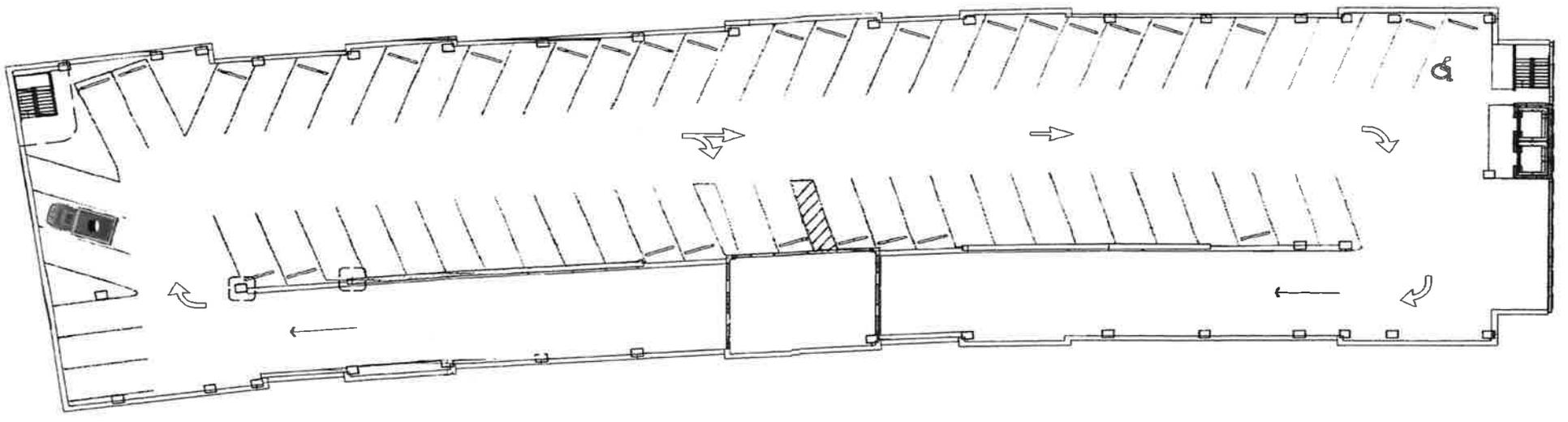
Fire Chief Date

Public Works Director Date

APPLICATION: Approved Denied – If denied, state reason why:

CONDITIONS OF APPROVAL (use additional sheet, if necessary):

City Clerk's Office Signature: _____ Title: _____



**Local Liquor Authority
Consideration of a Request
for a New Tavern Liquor
License for JE Tavern at 240
Main Street and 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 at 240 Main Street and 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 at 240 Main Street, to set the boundaries of the neighborhood, and to set the date of the public hearing to August 12, 2015.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The City Clerk's office received a new tavern liquor license for JE Tavern on June 19, 2015. The tavern will be located at the Lodge Casino, 240 Main Street. The Lodge Casino just received approval from the Liquor Enforcement Division on June 20, 2015 for a permanent modification to remove their second floor outdoor patio from their Hotel/Restaurant Liquor License. This is where JE Tavern will be located. The application was deemed complete on July 1st.

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 August 12, 2015. 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: July 8, 2015

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: [X]Yes[]No

STAFF PERSON RESPONSIBLE: Melissa A. Greiner, City Clerk

DOCUMENTS ATTACHED: Portions of the Application



DILL DILL CARR STONBRAKER & HUTCHINGS PC

455 Sherman Street, Suite 300
Denver, Colorado 80203
Phone: 303-777-3737
Fax: 303-777-3823
www.dillanddill.com

Direct Dial: (303) 282-4132
E-mail: cgrant@dillanddill.com

VIA FedEx

June 17th, 2015

Deputy City Clerk
City of Black Hawk
201 Selak Street
Black Hawk, CO 80422

Re: NEW TAVERN LIQUOR LICENSING
JE Tavern, INC. dba JE Tavern
240 Main Street, Black Hawk, CO 80422
Attorney: Bob Dill
Paralegal: Brent Eads

Dear Michele:

Bob Dill, of the law firm of DILL DILL CARR STONBRAKER & HUTCHINGS, P.C., hereby enters his appearance on behalf of the above-named Applicant and requests all communications and correspondence regarding this matter to be directed to Bob Dill and/or his paralegal, Brent Eads.

Therefore, on behalf of our client, JE Tavern, INC., we respectfully submit this application for New Tavern Liquor Licensing at 240 Main Street in Black Hawk.

WE RESPECTFULLY REQUEST CONCURRENT REVIEW IN THIS MATTER.

Thank you for your assistance with this matter. If you have any questions or need additional information, please contact Brent at (303)282-4111 or by e-mail at beads@dillanddill.com.

Sincerely,

Bob Dill
Attorney for Applicant
bobdill@dillanddill.com
303-777-3737

Christopher W. Carr¹

Daniel W. Carr

John J. Coates

Kevin M. Coates

H. Alan Dill

Robert A. Dill

Thomas M. Dunn

John A. Hutchings

Stephen M. Lee

Fay M. Matsukage²

Adam P. Stapen

Jon Stonbraker

Craig A. Stoner

Frank W. Suyat

Patrick D. Tooley

Ghislaine G Torres Bruner³

Arthur H. Bosworth, II, of Counsel

¹ Also licensed in Washington

² Also licensed in Nevada

³ Also licensed in Florida

RECEIVED

JUN 19 2015

City of Black Hawk
Clerk's Office

DR 8404 (04/27/15)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
(303) 205-2300

Colorado Liquor Retail License Application

New License New-Concurrent Transfer of Ownership

• 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
 • Local License Fee \$ _____

1. Applicant is applying as a/an
 Corporation Individual
 Partnership (includes Limited Liability and Husband and Wife Partnerships) Limited Liability Company
 Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation FEIN Number
 JE Tavern, Inc. [REDACTED]

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone
 JE Tavern Pending 303-918-1102

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
 240 Main Street

City	County	State	ZIP Code
Black Hawk	Gilpin	CO	80422
4. Mailing Address (Number and Street)	City or Town	State	ZIP Code
Same			

5. Email Address
 jeast@bhwk.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date

Section A	Nonrefundable Application Fees	Section B (Cont.)	Liquor License Fees
<input type="checkbox"/>	Application Fee for New License \$ 600.00	<input type="checkbox"/>	Liquor Licensed Drugstore (City)..... \$227.50
<input checked="" type="checkbox"/>	Application Fee for New License w/Concurrent Review ... \$ 700.00	<input type="checkbox"/>	Liquor Licensed Drugstore (County) \$312.50
<input type="checkbox"/>	Application Fee for Transfer..... \$ 600.00	<input type="checkbox"/>	Manager Registration - H & R \$ 75.00
Section B		<input checked="" type="checkbox"/>	Manager Registration - Tavern \$ 75.00
Liquor License Fees		<input type="checkbox"/>	Master File Location Fee\$ 25.00 X _____ Total _____
<input type="checkbox"/>	Add Optional Premises to H & R \$100.00 X _____ Total _____	<input type="checkbox"/>	Master File Background\$250.00 X _____ Total _____
<input type="checkbox"/>	Add Related Facility to Resort Complex ... \$ 75.00 X _____ Total _____	<input type="checkbox"/>	Optional Premises License (City)..... \$500.00
<input type="checkbox"/>	Arts License (City) \$308.75	<input type="checkbox"/>	Optional Premises License (County) \$500.00
<input type="checkbox"/>	Arts License (County) \$308.75	<input type="checkbox"/>	Racetrack License (City)..... \$500.00
<input type="checkbox"/>	Beer and Wine License (City)..... \$351.25	<input type="checkbox"/>	Racetrack License (County) \$500.00
<input type="checkbox"/>	Beer and Wine License (County) \$436.25	<input type="checkbox"/>	Resort Complex License (City) \$500.00
<input type="checkbox"/>	Brew Pub License (City) \$750.00	<input type="checkbox"/>	Resort Complex License (County) \$500.00
<input type="checkbox"/>	Brew Pub License (County) \$750.00	<input type="checkbox"/>	Retail Gaming Tavern License (City) \$500.00
<input type="checkbox"/>	Club License (City) \$308.75	<input type="checkbox"/>	Retail Gaming Tavern License (County)..... \$500.00
<input type="checkbox"/>	Club License (County) \$308.75	<input type="checkbox"/>	Retail Liquor Store License (City)..... \$227.50
<input type="checkbox"/>	Distillery Pub License (City)..... \$750.00	<input type="checkbox"/>	Retail Liquor Store License (County)..... \$312.50
<input type="checkbox"/>	Distillery Pub License (County) \$750.00	<input checked="" type="checkbox"/>	Tavern License (City) \$500.00
<input type="checkbox"/>	Hotel and Restaurant License (City) \$500.00	<input type="checkbox"/>	Tavern License (County)..... \$500.00
<input type="checkbox"/>	Hotel and Restaurant License (County) \$500.00	<input type="checkbox"/>	Vintners Restaurant License (City) \$750.00
<input type="checkbox"/>	Hotel and Restaurant License w/one opt premises (City) \$600.00	<input type="checkbox"/>	Vintners Restaurant License (County)..... \$750.00
<input type="checkbox"/>	Hotel and Restaurant License w/one opt premises(County)..... \$600.00		

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

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

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

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 for more information

Items submitted, please check all appropriate boxes completed or documents submitted	
I.	Applicant information <input type="checkbox"/> A. Applicant/Licensee identified <input type="checkbox"/> B. State sales tax license number listed or applied for at time of application <input type="checkbox"/> C. License type or other transaction identified <input type="checkbox"/> D. Return originals to local authority <input type="checkbox"/> E. Additional information may be required by the local licensing authority
II.	Diagram of the premises <input type="checkbox"/> A. No larger than 8 1/2" X 11" <input type="checkbox"/> B. Dimensions included (does not have to be to scale). Exterior areas should show type of control (fences, walls, entry/exit points, etc.) <input type="checkbox"/> C. Separate diagram for each floor (if multiple levels) <input type="checkbox"/> D. Kitchen - identified if Hotel and Restaurant <input type="checkbox"/> E. Bold/Outlined Licensed Premises
III.	Proof of property possession (One Year Needed) <input type="checkbox"/> A. Deed in name of the Applicant (or) (matching question #2) date stamped / filed with County Clerk <input type="checkbox"/> B. Lease in the name of the Applicant (or) (matching question #2) <input type="checkbox"/> C. Lease Assignment in the name of the Applicant with proper consent from the Landlord and acceptance by the Applicant <input type="checkbox"/> D. Other Agreement if not deed or lease. (matching question #2) (Attach prior lease to show right to assumption)
IV.	Background information and financial documents <input type="checkbox"/> A. Individual History Records(s) (Form DR 8404-I) <input type="checkbox"/> B. Fingerprints taken and submitted to local authority (State Authority for Master File applicants) <input type="checkbox"/> C. Purchase agreement, stock transfer agreement, and or authorization to transfer license <input type="checkbox"/> D. List of all notes and loans (Copies to also be attached)
V.	Sole proprietor / husband and wife partnership <input type="checkbox"/> A. Form DR4679 <input type="checkbox"/> B. Copy of State issued Driver's License or Colorado Identification Card for each applicant
VI.	Corporate applicant information (if applicable) <input type="checkbox"/> A. Certificate of Incorporation dated stamped by the Secretary of State <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Certificate of Authorization if foreign corporation <input type="checkbox"/> D. List of officers, directors and stockholders of Applying Corporation (If wholly owned, designate a minimum of one person as Principal Officer of Parent)
VII.	Partnership applicant information (if applicable) <input type="checkbox"/> A. Partnership Agreement (general or limited) Not needed if husband and wife <input type="checkbox"/> B. Certificate of Good Standing (If formed after 2009)
VIII.	Limited Liability Company applicant information (if applicable) <input type="checkbox"/> A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office) <input type="checkbox"/> B. Certificate of Good Standing <input type="checkbox"/> C. Copy of operating agreement <input type="checkbox"/> D. Certificate of Authority if foreign company
IX.	Manager registration for hotel and restaurant, tavern licenses when included with this application <input type="checkbox"/> A. \$75.00 fee <input type="checkbox"/> B. Individual History Record (DR 8404-I) <input type="checkbox"/> C. If owner is managing, no fee required

7. Is 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) or manager under the age of twenty-one years?		Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Has 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) or manager ever (in Colorado or any other state):			
(a) Been denied an alcohol beverage license?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? If "yes", explain in detail.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		or	
Walver by local ordinance?		<input type="checkbox"/>	<input type="checkbox"/>
Other: _____		<input type="checkbox"/>	<input type="checkbox"/>
11. 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)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee		Please see attached.	<input checked="" type="checkbox"/> <input type="checkbox"/>
12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> 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	
The Lodge Casino, LLC	JE Tavern, Inc	July 14, 2020	
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2' X 11".			
13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), 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
None			
Last Name	First Name	Date of Birth	FEIN or SSN
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.			
14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has a local ordinance or resolution authorizing optional premises been adopted?			
Number of additional Optional Premise areas requested. (See license fee chart)			
15. Liquor Licensed Drug Store applicants, answer the following:			
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes" a copy of license must be attached.			
16. Club Liquor License applicants answer the following: 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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) How long has the club been incorporated?			
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Brew-Pub License or Vintner Restaurant Applicants answer the following			
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
18a. For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-I)			
Last Name of Manager	First Name of Manager	Date of Birth	
East	John	1/28/67	
18b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Name	Type of License	Account Number	
The Lodge Casino	Hotel and Restaurant		
19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?			
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, provide an explanation and include copies of any payment agreements.			

20. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% 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.

Name	Home Address, City & State	DOB	Position	% Owned
John Ralph East Jr	[REDACTED]	[REDACTED]	Exec. Manager	100%
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (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 those disclosed herein, owns 10% or more of the applicant, and does not have ownership 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 Tavern	Date 6/8/15
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Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)
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The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That 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

(Check One)

- Date of inspection or anticipated date _____
- Will conduct inspection upon approval of state licensing authority

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.

Therefore, this application is approved.

Local Licensing Authority for		Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date	
Signature (attest)	Print	Title	Date	

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)

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

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 06/15/2015 that have been posted, and by documents delivered to this office electronically through 06/17/2015 @ 15:39:08.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 06/17/2015 @ 15:39:08 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9221547.

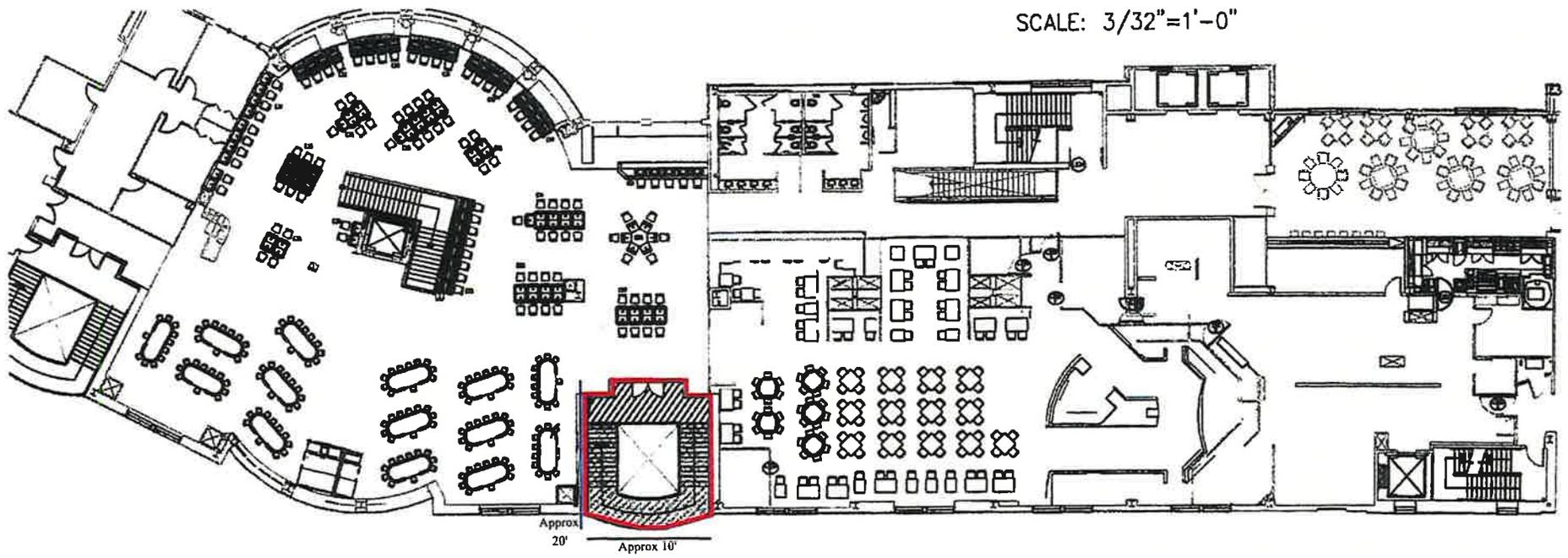


A handwritten signature in blue ink that reads "Wayne W. Williams".

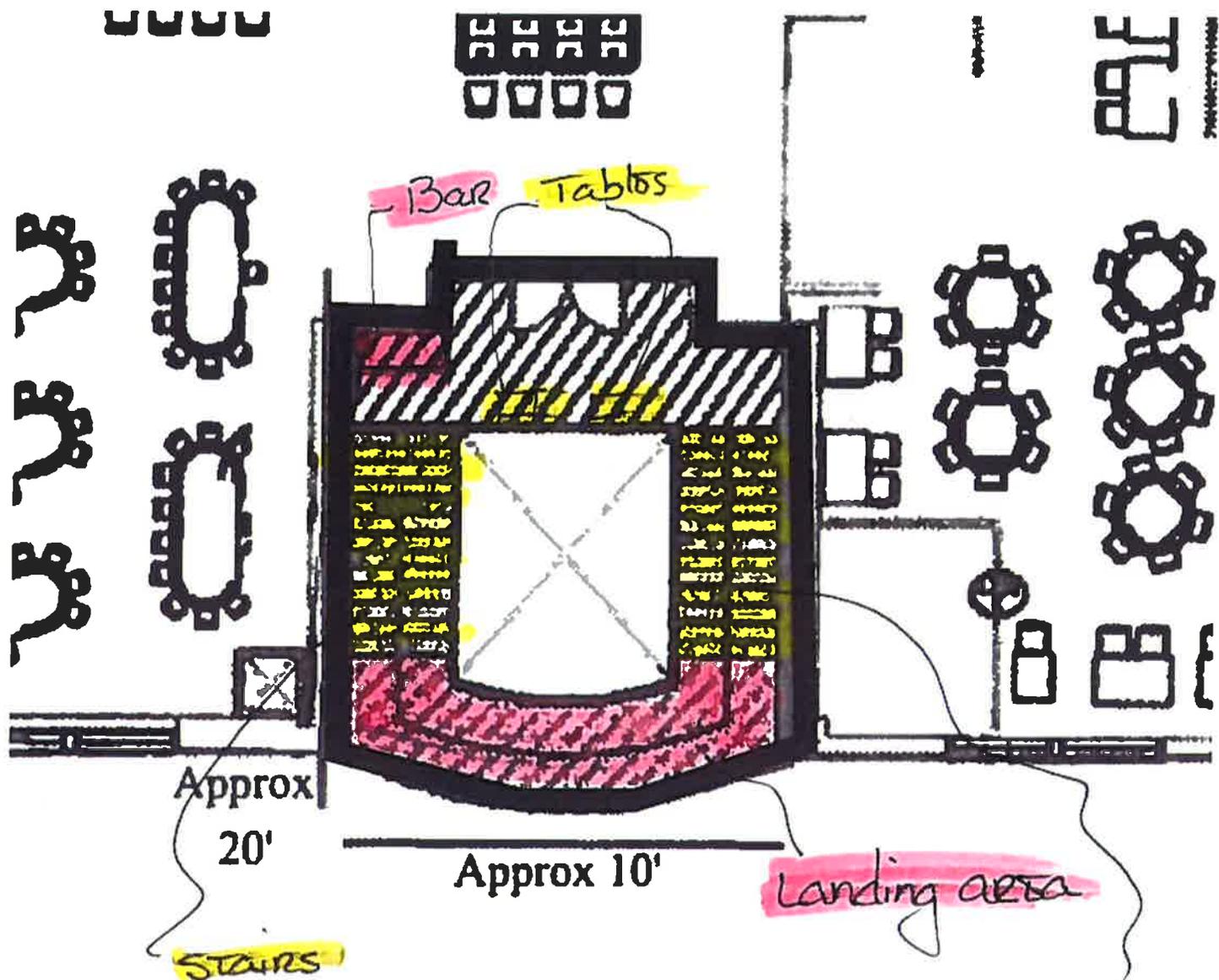
Secretary of State of the State of Colorado

*****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 Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/bi:/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 Business Center and select "Frequently Asked Questions."



JE Tavern - Licensed Premises
The Lodge Level 2
240 Main Street
Black Hawk, CO 80422
*Measurements are approximate



JE Tavern - Licensed Premises

The Lodge: Level 2

240 Main Street

Black Hawk, CO 80422

*Measurements are approximate



Second Floor:
Area to be licensed