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AGENDA

City Council Special Meeting
September 23, 2020 - 6:00 PM

An informational packet containing all agenda material is available for public inspection on our website at www.evanscolorado.gov. The agenda is posted on the bulletin board adjacent to the Council Chambers.

OPTIONAL VIRTUAL MEETING PARTICIPATION

Please click on this URL to join virtually: <https://us02web.zoom.us/j/85497860325>

Or join by phone: 1-669-900-9128

Webinar ID: 854 9786 0325

1. CALL TO ORDER

2. PLEDGE

3. ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

4. APPROVAL OF AGENDA

5. EXECUTIVE SESSION

Executive session pursuant to Section 24-6-402(4)(b), C.R.S., to confer with the City Attorney to receive advice regarding specific legal questions related to the Rodeway Inn business license revocation hearing.

6. NEW BUSINESS

A. Consideration of Resolution Appointing Judge Michael Stewart as City Manager for Exclusive Purpose of Conducting a Business License Revocation Hearing for the Rodeway Inn on September 28, 2020.

7. ADJOURNMENT

CITY OF EVANS – MISSION STATEMENT

“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.

CITY COUNCIL AGENDA REPORT

DATE: September 23, 2020
AGENDA ITEM: 6.A
SUBJECT: Consideration of a Resolution Appointing Municipal Judge Michael Stewart as City Manager for the Exclusive Purpose of Conducting a Business License Revocation Hearing on September 28, 2020
PRESENTED BY: James L. Becklenberg, City Manager
Scotty P. Krob, City Attorney

AGENDA ITEM DESCRIPTION:

City staff has scheduled a business license revocation administrative hearing for September 28, 2020. Section 3.04.500.O of the Municipal Code authorizes the City Manager to conduct such a hearing. Section 3.04.030 of the Evans City Code defines the term “City Manager” to include “such person as appointed to act as City Manager.”

The regular City Manager, Jim Becklenberg, has had significant involvement in the matter of the Rodeway Inn’s alleged violations of the Municipal Code. In order to provide optimum objectivity for the hearing, staff recommends appointing an objective, third-party hearing officer. The Evans Municipal Judge, Michael Stewart, has confirmed his interest and availability for this specific project.

The recommended resolution would appoint Judge Stewart as the City Manager for the sole purpose of conducting the Rodeway Inn business license revocation hearing.

Except as specifically assigned to Judge Stewart by this resolution for the sole purpose of conducting the business license revocation hearing, all of the functions and duties of the City Manager, including but not limited to those prescribed in Section 4.4 of the Evans Municipal Charter will remain with the regular, duly appointed City Manager, James Becklenberg.

FINANCIAL SUMMARY:

None.

RECOMMENDATION:

Adopt Resolution 29-2020 appointing Municipal Judge Michael Stewart as City Manager for the exclusive purpose of conducting a business license revocation hearing on September 28, 2020.

SUGGESTED MOTIONS:

“I move to approve Resolution 29-2020 appointing Municipal Judge Michael Stewart as City Manager for the exclusive purpose of conducting a business license revocation hearing on September 28, 2020.”

OR

“I move to decline Resolution 29-2020 appointing Municipal Judge Michael Stewart as City Manager for the exclusive purpose of conducting a business license revocation hearing on September 28, 2020.”

ATTACHMENTS:

None.

CITY OF EVANS, COLORADO

RESOLUTION NO. 29-2020

**A RESOLUTION APPOINTING THE EVANS MUNICIPAL JUDGE
AS CITY MANAGER FOR THE PURPOSE OF CONDUCTING
A LICENSE REVOCATION HEARING RELATED TO
THE RODEWAY INN BUSINESS LICENSE**

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, the Greeley-Evans Rodeway Inn (“the Rodeway Inn”), located at 3015 8th Ave, Evans, Colorado, was issued a business license by the City of Evans on or about January 1, 2020; and

WHEREAS, on September 18, 2020, the Evans City Manager sent a letter to the Rodeway Inn notifying them of a hearing on September 28, 2020 to determine whether the Rodeway Inn’s business license should be revoked based on the allegations summarized in such letter; and

WHEREAS, Section 3.04.500.O., of the Evans City Code authorizes the City Manager to conduct a hearing to determine whether a business license should be revoked; and

WHEREAS, Section 3.04.030 of the Evans City Code defines the term “City Manager” to include “such person as appointed to act as City Manager”; and

WHEREAS, City Manager James Becklenberg has had substantial involvement with many of the items leading up to the need for a revocation hearing, and

WHEREAS, in order to provide a hearing officer presiding over the revocation hearing who has not had any involvement with the matters leading up to the need for a revocation hearing, the City Attorney has recommended that the City appoint the Evans Municipal Judge, Honorable Michael Stewart, to act as the City Manager solely for the purpose of the Rodeway Inn business license revocation hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

1. Evans Municipal Judge, Michael Stewart, is hereby appointed to act as the City Manager solely for conducting the business license revocation hearing related to the Rodeway Inn.

2. Except as specifically assigned to Judge Stewart by this resolution for the sole purpose of conducting the business license revocation hearing, all of the functions and duties of the City Manager, including but not limited to those prescribed in Section 4.4 of the Evans Municipal Charter will remain with the regular, duly appointed City Manager, James Becklenberg,
3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
4. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

PASSED AND ADOPTED AT A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS ____ DAY OF SEPTEMBER, 2020.

ATTEST:

CITY OF EVANS, COLORADO

Julie Roeder
Interim City Clerk

BY: _____
Brian Rudy
Mayor