



CITY OF FORT LUPTON
CITY COUNCIL/ENTERPRISE BOARDS
REGULAR MEETING AGENDA
Tuesday, October 18, 2022
6:00 PM
130 South McKinley Avenue

Zo Hubbard, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3
David Crespín, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

You may join in person or join remotely by clicking on:
<https://global.gotomeeting.com/join/851983253>

Call to Order

Pledge of Allegiance

Roll Call

Persons to Address Council - This portion of the Agenda is provided to allow members of the audience to present comments to the City Council. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement or your question may be directed to the appropriate staff member for follow-up. Please limit the time of your comments to three (3) minutes - Mayor Stieber

Approval of Agenda

Review of Accounts Payables

- a. October 18, 2022 Accounts Payable

Consent Agenda - Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Councilmember so requests, in which case the item may be removed/moved from the Consent Agenda.

- a. October 4, 2022 City Council Meeting Minutes
- b. October 11, 2022 City Council Special Meeting Minutes
- c. AM 2022-154 Approving a Resolution Appointing Emma Thiria as a Professional Member of the Historic Preservation Board for a Three-year Term to Expire October 18, 2025

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Stieber

- a. AM 2022-155 Consideration of an Application, by the Fort Lupton City Council acting as the Local Licensing Authority, Submitted by Family Dollar Stores of Colorado, LLC dba Family Dollar #25949 for a Fermented Malt Beverage ("FMB") Off-Premises License at 130 S. Denver Ave
- b. AM 2022-156 Consideration of an Application, by the Fort Lupton City Council acting as the Local Licensing Authority, Submitted by El Reparo Mexican & Grill, Inc. for a Hotel & Restaurant ("H&R") License at 815 7th Street

Action Memorandum

- a. AM 2022-157 Approving Insurance Benefits for Employees for 2023

Staff Reports

Mayor/Council Reports

Future City Events

a. October 18, 2022 Upcoming Events

Executive Session "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)." Annexation Rebates

Adjourn

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
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The City Council of the City of Fort Lupton met in a regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, October 18, 2022. Mayor Zo Hubbard called the meeting to order at 6:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Hubbard, Councilmembers, Chris Ceretto, Bruce Fitzgerald, Claud Hanes, Valerie Blackston, David Crespín and Carlos Barron.

Also present were City Administrator, Chris Cross, City Clerk, Mari Peña, City Attorney, Andy Ausmus, Finance Director, Leann Perino, Planning Director, Todd Hodges, and Police Chief John Fryer.

PERSONS TO ADDRESS COUNCIL

There was no one to address the Council.

APPROVAL OF AGENDA

It was moved by David Crespín and seconded by Bruce Fitzgerald to approve the agenda as presented. Motion passed unanimously on voice vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the October 18, 2022, payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Carlos Barron and seconded by Valerie Blackston to approve the Consent Agenda as presented with the following items:

- October 4, 2022 City Council Meeting Minutes
- October 11, 2022 City Council Special Meeting Minutes
- Approving Resolution 2022R064 APPOINTING EMMA THIRIA AS A PROFESSIONAL MEMBER OF THE HISTORIC PRESERVATION BOARD FOR A THREE-YEAR TERM TO EXPIRE OCTOBER 18, 2025. (AM 2022-154)

Motion passed unanimously on roll call vote.

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PUBLIC HEARING

AM 2022-155 Consideration of an Application, by the Fort Lupton City Council acting as the Local Licensing Authority, Submitted by Family Dollar Stores of Colorado, LLC dba Family Dollar #25949 for a Fermented Malt Beverage ("FMB") Off-Premises License at 130 S. Denver

Mayor Hubbard read the connected meeting advisement to Tommy Jackson who was appearing on the applicant's behalf. Mayor Hubbard opened the public hearing at 6:03 p.m. Mari Peña, City Clerk, provided an overview of the application. Ms. Peña stated Family Dollar is applying for a Fermented Malt Beverage license and the entire building will be licensed. All notification requirements have been met including posting on the premises and publication in the Fort Lupton Press. Pursuant to Statute, FMB licenses must be 500 feet from a school property line and from a retail liquor store. Ms. Peña presented a map starting at Fort Lupton Middle and High School property lines and measuring 500 feet by pedestrian walk way. The map established that Family Dollar's location is farther than the 500-foot distance restrictions. Liquor Pros conducted a petition to obtain signatures from businesses and residences for and against Family Dollar obtaining an FMB license. Ms. Peña noted that all businesses that were petitioned qualified. However, there were eight residences that were outside the City limit. 273 signatures were collected and overall the outcome was positive. Ms. Peña mentioned that Carol Johnson with Liquor Pros was appearing remotely and was available for questions.

Mayor Hubbard asked Tommy Jackson (applicant) if his employees have been through TIPS training or the equivalent. Mr. Jackson responded stating he is not aware of what TIPS is. He has had a conversation with corporate and everything that needed to be done to make sure their violation rate is low has been completed. He stated he can make sure it gets completed but cannot give a definite answer. Councilmember Claud Hanes questioned Mr. Jackson asking how many other Family Dollar stores in Colorado have an FMB licenses. Mr. Jackson responded stating he cannot give an accurate data point but he knows there is a campaign to provide access to beer and wine to community members. Councilmember Hanes asked if Fort Lupton is going to be the first store with an FMB license or are there other stores in Colorado? Mr. Jackson stated there are other stores. Mayor Hubbard asked Mrs. Peña to clarify what is included in an FMB license. Mrs. Peña stated the FMB license does not include wine.

Mayor Hubbard asked Tommy Jackson if he has had a full and fair opportunity to present all facts, submittals, documents, testimony, and presentations in support of the Applicant's application before City Council tonight? Mr. Jackson responded 'yes.' Has there been anything that you or the Applicant would have liked to have presented in support of the Applicant's application that you feel you were prevented from doing so? Mr. Jackson responded 'no.'

There was no one from the public who wished to speak.

City Attorney, Andy Ausmus, asked Mr. Jackson a few follow-up questions. Mr. Ausmus asked Mr. Jackson if he knows what TIPS training is. Mr. Jackson responded he does not and that he is

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new to the account and just began working. He has experience working with contracts and working with people in terms of expanding what they do in different communities. Mr. Ausmus explained what TIPS training is and asked Mr. Jackson if there is standardized training or policies that the Family Dollar in Fort Lupton is going to follow. Mr. Jackson responded stating there is training he just does not know what TIPS training is because he is new. Mr. Ausmus asked if Mr. Jackson is in Colorado. Mr. Jackson stated he is in Georgia. Mr. Ausmus asked if there is going to be a Colorado representative that is going to oversee the Fort Lupton store. Mr. Jackson responded they have general managers and they have individuals that work with Family Dollar who are responsible for what happens at the store. Mr. Ausmus asked what other store in Colorado are selling alcohol. Mr. Jackson stated he does not know because he is not certain what city the store is located in. However, he is certain there are other stores with a liquor license. Mr. Ausmus asked if an employee comes to work for Family Dollar in Fort Lupton, what training do they get on alcohol sales. Mr. Jackson stated he cannot speak to what the corporation does but he knows they have a protocol that they follow. Mr. Ausmus asked if there is someone within Family Dollar Corporate who is in charge of training and policies in regards to alcohol sales since it does not appear to be his expertise. Mr. Jackson stated he makes sure that things are met in terms of statutes and ensures the corporation is doing what they should in the community and he will ensure they are doing accurate training.

Mayor Hubbard raised concern regarding training for employees. She asked Mr. Jackson, if Family Dollar does not follow TIPS protocol if he could document the company's training protocols before the council votes as there is a deficit in comfort level. Mr. Jackson stated that for the stores that are licensed they clearly have had training. He advised the council not to take his lack of knowledge due to being new as a reflection of the corporation. Mr. Ausmus asked Mr. Jackson that if given more time, would he be able to find out what type of training the employees in Colorado are going to undertake if the license is approved and if he could find out where the other stores in Colorado are located. He responded that he could. Mr. Jackson asked Mrs. Johnson if she knew where the other stores are located. Mrs. Johnson stated there are 5 stores that have been granted liquor licenses since 2021 where liquor pros preformed the petitions.

Mayor Hubbard informed Mr. Jackson that she is inclined to continue the hearing to allow him time to document how the employees will be trained. Mr. Jackson agreed and ensured council he will find out how the employees will be trained.

Discussion between council occurred with agreement to continue the hearing.

Mayor Hubbard asked for a motion to table the public hearing until November 1, 2022. It was moved by Bruce Fitzgerald and seconded by David Crespin to continue the hearing to November 1, 2022. Motion passed unanimously on voice vote.

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AM 2022-156 Consideration of an Application, by the Fort Lupton City Council acting as the Local Licensing Authority, Submitted by El Reparo Mexican & Grill, Inc. for a Hotel & Restaurant ("H&R") License at 815 7th Street

Mayor Hubbard opened the public hearing at 6:24 p.m. Mari Peña, City Clerk, provided an overview of the application. Ms. Peña stated El Reparo is applying for a Hotel and Restaurant license. All notifications have been met and this type of license does not have any distance restrictions. The applicant conducted a petition to obtain signatures and collected 16 business signatures. However, two (2) were disqualified as they were located in the County. 17 residential signatures were collected with nine (9) being disqualified. State statute does not require petitions be submitted, it requires the applicant to submit evidence supporting the needs and desires of the neighborhood.

Mayor Hubbard asked if anyone from the public wished to speak for or against the application.

Selene Nestor, CEO of the Hispanic Restaurant Association, 12110 Elizabeth Court, Thornton, Colorado 80241, spoke in favor of El Reparo. Ms. Nestor believes this business will bring a lot of new economy to Fort Lupton.

Councilmember Claud Hanes posed the question asking if the employees have been provided TIPS training. Selena Nestor was present with the owner, Maria, to provide interpreting services. The applicant, Maria Lucereli Soto Murillo, 1727 Meadow Street, Longmont, Colorado 80501, replied stating that her employees will be trained and that she has already received her certificate of training from Alcohol Beverage Training ("ABT") in which she brought with her to the hearing. City Attorney, Andy Ausmus asked if she has plans to get her employees trained and certified if her license is approved. Ms. Soto Murillo replied that she has her employees' training appointments scheduled next week. He also asked what her background is in the industry. Ms. Soto Murillo replied that this is her first restaurant and she wants the economy and her business to grow. He asked if she is the only manager in which she replied yes.

There being no further questions or members of the public wishing to speak, Mayor Hubbard closed the public hearing at 6:32 p.m.

There was no further discussion.

It was moved by Carlos Barron and seconded by Bruce Fitzgerald approving the application submitted by El Reparo Mexican and Grill Inc. for a Hotel and Restaurant License at 815 7th Street, by the Fort Lupton City Council, acting as the Local Licensing Authority. Motion passed unanimously on roll call vote.

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ACTION MEMORANDUM

AM 2022-157 Approving Insurance Benefits for Employees for 2023

Employee insurance benefits are currently on a policy year that runs from January 1st to December 31st. The benefits below are up for renewal:

- Medical
- Health Reimbursement Arrangement (HRA)
- Vision
- Employee Assistance Program (EAP)
- Dental
- Flexible Spending Accounts
- COBRA Administration

MEDICAL - UNITED HEALTHCARE

The City marketed the medical benefit for the 2023 plan year through our benefits broker, GBS Benefits. The City received quotes from our current provider, Humana, and United Healthcare. Many insurance carriers declined to quote. The City also received quotes from two different insurance pools, Colorado Employee Benefit Trust (CEBT) and Public Sector Health Care Group. Each of these pools offers United Healthcare options.

Humana offered a 6.7% total increase. Humana announced that it is leaving the Colorado market effective July 1, 2024, so Staff carefully reviewed alternatives for January 1, 2023. After reviewing all options, Staff is recommending that the City stay with GBS Benefits as its broker and select United Healthcare (UHC) as its health insurance carrier. UHC has mirrored the City's benefits and is offering an increase of 4.88% over the City's current plans.

UHC will provide the City with a transition credit of \$25,000 and a performance funding option that may result in some refund if the City's loss ratio is lower than 73%. UHC has also offered a 3-visit Employee Assistance Program (EAP) at no cost and wellness programs that allow employees to earn rewards. The UHC network is much larger than Humana's, about which employees have expressed concern. There will be no substantial change in the benefits and costs.

The health plan represents the majority of the benefit costs for the City. Based on current enrollment, the total cost for the plan will be \$1,073,765.88 for 2023, an increase of \$49,943.76 over 2022 costs, based on current enrollment.

Staff is proposing that the cost share percentage for the employee and dependent premiums implemented in 2022 remain the same for 2023.

HEALTH REIMBURSEMENT ARRANGEMENT – NATIONAL BENEFIT SERVICES (NBS):

NBS has not increased the rates for the administration of the plan. The cost will continue to be

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\$3.05 per covered employee per month. Based on current enrollment, the total estimated cost for the plan will be \$3,220.80 for 2023. This does not include the cost of HRA reimbursements. The benefits will remain the same.

AMERITAS – VISION INSURANCE:

Ameritas has offered a rate pass for 2023. Based on current enrollment, the total estimated cost for the plan will be \$10,078.08 for 2023. There are no changes to the benefits for 2023.

UHC – EMPLOYEE ASSISTANCE PROGRAM:

UHC offers Employee Assistance Program (EAP) benefits to its members at no cost. The benefit includes three (3) free visits per issue. The Standard also offers an identical benefit as part of their other offerings. The City is currently offering EAP to all employees but utilization is low. Staff recommends promoting the UHC EAP and other tools and discontinuing a separate EAP plan for all employees.

AMERITAS – DENTAL INSURANCE:

There is an increase from Ameritas for the Dental rates of 11.05%. Based on current enrollment, the total cost for the plan will be \$72,297.12 for 2023. The benefits will remain the same with one enhancement: Ameritas offers a carryover plan maximum, which will now be available to employees as we start our second year of offering dental through them.

FLEXIBLE SPENDING ACCOUNTS (FSA) – NATIONAL BENEFIT SERVICES (NBS):

NBS has not increased the rates for the administration of the plans. The administrative costs for the FSA plans have not changed. The cost will be \$3.05 per covered employee per month plus monthly and annual fees for the use of flexible spending account cards. Based on current enrollment, the total estimated cost for the plan will be \$928.20 for 2023. The benefits will remain the same.

COBRA ADMINISTRATION – GBS BENEFITS

There are no administrative costs for COBRA Administration, as this is handled as a value-added service by our employee benefits broker, GBS Benefits.

It was moved by Carlos Barron and seconded by David Crespin to approve the Insurance Benefits for Employees for 2023 with United Healthcare, the Health Reimbursement Arrangement with National Benefit Service, Ameritas Vision Insurance, UHC Employee Assistance Program, Ameritas Dental Insurance, the Flexible Spending Accounts (FSA) with National Benefit Services, and Cobra Administration GBS Benefits. Motion passed unanimously on roll call vote.

STAFF

Chris Cross, City Administrator, stated Epcon Homes will be doing their ribbon cutting on Friday October 21, 2022 at 11 a.m.

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Andy Ausmus, City Attorney, announced his son passed the Bar Exam and he will be sworn in on October 31, 2022.

MAYOR/COUNCIL REPORTS

David Crespín, Councilmember, stated he went to the Fort Lupton Pumpkinfest and he and his nephew enjoyed it.

Zo Hubbard, Mayor, stated she received a text from a citizen asking for assistance on S. Denver for flashing lights to be placed where speed limit signs are and maintenance of the drainage and grading. She will forward the request to public works.

FUTURE CITY EVENTS

October 25, 2022	Joint Meeting with City of Brighton
November 1, 2022	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
November 8, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m. and Election Day, 203 S. Harrison Ave. Voting closes at 7 p.m.
November 11, 2022	City Offices Closed in Observance of Veteran's Day
November 15, 2022	City Council Meeting, 130 S. McKinley Ave. 6:00 p.m.
November 24-25, 2022	City Offices Closed in Observance of Thanksgiving Day
November 29, 2022	Town Hall Meeting, 130 S. McKinley Ave. 6:00 p.m.

EXECUTIVE SESSION

It was moved by David Crespín and seconded by Carlos Barron to move into Executive Session at 6:41 p.m. "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)." Annexation rebates. Motion passed unanimously on roll call vote. The following moved into Executive Session Mayor Hubbard, Councilmembers Chris Ceretto, David Crespín, Claud Hanes, Valerie Blackston, Carlos Barron, Bruce Fitzgerald, City Attorney Andy Ausmus, City Administrator Chris Cross, Finance Director Leann Perino, and Planning Director Todd Hodges.

The Executive Session ended at 6:56 p.m. and the regular meeting reconvened.

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ADJOURNMENT

The meeting adjourned at 6:56 p.m.

Submitted by,


Maricela Peña, City Clerk



Approved by City Council,


Zo Hubbard, Mayor