



## **Town Council Special Meeting Minutes - Draft**

Mayor Jason Gray  
Mayor Pro Tem Jason Bower  
Councilmember James Townsend  
Councilmember Kevin Bracken  
Councilmember Caryn Johnson  
Councilmember George Teal

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**Tuesday, November 24, 2020**

**6:00 PM**

**Town Hall Council Chambers  
100 North Wilcox Street  
Castle Rock, CO 80104  
Phone in: (720) 650-7664  
Meeting Code: 146 344 5413  
[www.CRgov.com/Nov24Council](http://www.CRgov.com/Nov24Council)**

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This meeting is open to the public and will be held in a virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred - remote participation is encouraged. This meeting will be hosted online and can be accessed at [www.CRgov.com/Nov24Council](http://www.CRgov.com/Nov24Council), or phone in by calling (720) 650-7664, meeting code 146 344 5413 (if prompted for a password enter "Nov24Council"). All Town Council Meetings are also streamed online in real time at [www.CRgov.com/WatchCouncil](http://www.CRgov.com/WatchCouncil), and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast).

All times indicated on the agenda are approximate. Remote participants please visit [www.CRgov.com/CouncilComments](http://www.CRgov.com/CouncilComments) to sign up to speak to an item, and for related instructions. Public Comments may also be submitted in writing online by 1:00 p.m. November 24, 2020, to be included in the public record.

### **INVOCATION**

Mayor Gray provided the Invocation.

### **CALL TO ORDER / ROLL CALL**

*Mayor Pro Tem Bower and Councilmember Johnson attended remotely.*

Moved by Councilmember Teal, seconded by Councilmember Bracken, to hold the Emergency Meeting. The motion passed by the following vote:

**Yes:** 4 - Bracken, Gray, Teal, Bower

**No:** 1 - Johnson

**Not Present:** 1 - Townsend

### **PLEDGE OF ALLEGIANCE**

### **ACCEPTANCE OF AGENDA**

Moved by Councilmember Teal, seconded by Councilmember Bracken, to Accept the Agenda as presented. The motion passed by the following vote:

**Yes:** 5 - Bracken, Johnson, Gray, Teal, Bower

Not Present: 1 - Townsend

## ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2020-116](#) **Resolution Opposing the Colorado Department of Public Health & Environment's Move of Douglas County to Level Red on the State's COVID-19 Dial and the Closure of Indoor Dining at Local Restaurants**  
*[updated November 23, 2020]*

***Consensus of Council to allow one hour of public comment to be reevaluated at that time.***

David Corliss, Town Manager, stated the public health officer has the authority to promulgate rules and regulations and state public health orders. We are currently under Tri County that sets out rules and regulations which can be superseded by the state. The state has changed its analysis of this issue and came up with different levels of restrictions. Douglas County was previously under orange level restrictions. The County was notified they would be moving to red level restrictions which does not provide for an opt out provision for municipalities or the county. There is nothing the Town has done to be categorized as the red level, it is the metrics the state uses to determine the level; and the Town doesn't have the ability to move from one level to another, it is determined by the state.

Mara Brosy-Wiwchar, Chief of Staff for Colorado Department of Public Health and Safety, was in attendance to answer questions.

Corliss stated that the CARES Act is a federal law enacted that provides funding to states and large counties and municipalities where they can claim reimbursement for COVID-19 related expenditures and funds were provided to Douglas County. Douglas County determined some of their funding will go to municipalities. The Town received \$3.4M and we apply to be reimbursed for eligible expenditures. We have used some of that for small business grants. We are now going through a third round for about \$500k. The County has funds and announced a new program up to \$15M for small business grants.

Councilmember Bracken clarified that the Town is not receiving money from businesses being shut down, but are applying for dollars to offset expenses the Town has had.

Councilmember Teal referenced the sales tax report sent out to Council, and we appear to be doing okay. Teal asked what impacts we are anticipating. Corliss stated we historically rely on November and December for revenue from holiday shopping and eating out. This will be impinged because of this. Lodging is down 50% and many people will not be traveling so it is not expected to improve. Small businesses have been hurt the most. He has ongoing concerns for the last 7 weeks.

Councilmember Teal stated he has been in business for 20 years. Based on the forecast, he asked if it is possible for the Town to sue the State of Colorado. Mike Hyman, Town Attorney, replied there is a long-standing principle that precludes the

Town for suing the state for rights that are attributable to the individual. The Town cannot sue for loss in tax revenue or on behalf of the businesses because we have a lack of standing. Individuals and businesses in Castle Rock could sue the state.

Councilmember Bracken stated he has been joining the Tri County Health calls consistently and asked Dr. Douglas where he think the spreading is coming from. Douglas replied that it is from large and small private and restaurants. Bracken asked where he was he getting that from, and Douglas said they get it from the positive tested patients who get a phone call and they ask them where they have been going. Bracken feels it is a high level assumption and not provable. There are other counties that are not red and asked why the heavy handed restrictions on restaurants when Tri County has not proven they are the cause other than an opinion. Additionally, why is retail that have a more open scenario than restaurants not based on assumption and why are other counties not held to the same standard.

Mara said case investigations and contact tracing has concluded that the top three places are restaurants, bars and gyms. Mara said mask wearing is low and people are in close contact for long periods of time without a lot of airflow. The virus has a tendency to spread in those areas. Mara continued that 1 in 49 people are infectious and community spread is at all time high, and that the majority of Colorado is in Level Red.

Councilmember Bracken said there were 6,000 positive tests last week and the counties that are open have similar numbers. Mara replied that Level Red is ensuring that people stay home as much as possible so we can get ahead of the disease. Bracken asked her to provide evidence that restaurants are spreading more than retail and if they are testing restaurant workers or making assumptions. Mara stated the public health investigations determine where they were exposed. Bracken summarized that it is a survey for positive COVID patients asking them where they have been, and asked Mara if it was subjective. Mara chose not to answer.

Mayor Pro Tem Bower asked if they have considered mental health in the individual counties. Mara acknowledged that it is a strain on mental health of small business owners, kids, etc. and recognizes it is a mental health burden. They have not found a balance and take it into consideration. Bower asked if they have any data on how restrictions effect people. Mara said there is some data and will gather more information. Bower asked if that information is public. Mara will ask and follow up.

Councilmember Teal asked if the contact tracing for those testing positive are saying they had been to restaurants, and that the nature of their assessment is that restaurants are the primary. Teal asked what restaurants in Douglas County are responsible based on the investigation. Mara stated she will find the list. Teal asked why she wasn't prepared with at least the top 10 restaurants. Teal stated he studies history and the feature in prior epidemics, is that the places of infection would have notices posted at the door and that has been something missing from this entire pandemic. Teal noted that we are not letting people know what places are identified; and restaurants that have had no infections among their staff are

handling things touched and communicated by unmasked customers.

Mara stated that the active outbreaks are listed on their website and named a few of them.

Councilmember Teal confirmed that these were based upon contact tracing. Mara clarified they are based on positive cases associated with that restaurant. Teal asked if they had been closed down prior to moving to the red level. Mara stated only if multiple persons were exposed to COVID. Teal noted that if there was a food poisoning outbreak, the restaurant does not get closed down. Teal was concerned we are not treating this with a degree of specificity. We are applying blanket orders to cover broad swatches of the economy. If we have an outbreak in Castle Rock, we send infected people to the hospital, not the whole Town.

Councilmember Bracken asked Mara to allow her an opportunity to reply to business owners that will speak. We have already gone through the first wave and businesses are down "x" amount so what is the risk of taking away their license if they are not going to survive anyway. Mara stated she can't imagine what they are going through and assured them they are informed, science-driven decisions for public health, protecting neighbors, grandparents and so kids can go to school.

Councilmember Bracken asked if Black Friday and retail will be shut down that is at 50% capacity. Mara stated retail has a shorter time-frame than sitting at a table with someone. Bracken stated he looks forward to the data and that it is a thin argument from the data side.

***Council Comments:***

Councilmember Bracken referenced Teal's question regarding a lawsuit. He has been working the last several days with the Town Attorney looking into suing the state or the governor, but we would have to show damages. The best approach is to show the objectivity of restaurants spreading vs. big box stores. Councilmember Teal and he called the meeting and he stands behind businesses, but Council doesn't have authority. They are also preparing a letter to the governor. They have looked into paying fines for businesses, but it would be considered supporting criminal activity with Town funds so they can't. Bracken stated he wished we could do more; but we didn't start this and are not the ones shutting down businesses.

Councilmember Teal, Johnson, and Mayor Pro Tem Bower would like to hear from public first.

Mayor Gray thanked everyone for being here. He shared that he has one business that has closed and one that is not doing well. He feels for everyone here. Gray has spoken to the Town Attorney and his own attorney, and both stated legal action from the Town isn't viable. He knows how painful the last 9 months have been.

***Public that addressed Council in person:***

John Delay, owner of Pegasus, appreciates Council being here. He has had 45 years in the restaurant businesses and 31 1/2 years in Castle Rock. He inquired why Grand Junction in Mesa County with the 1/2 population of Douglas County and twice the COVID cases is not in Level red.

Jose Espinoza, restaurant owner, thanked Council. He said if it was his restaurant they would wipe down the podium before the next person spoke. He feels there is an inequality in the way mandates are being applied. When he goes to King Soopers, he is bumped into by a lot of people, no one is wiping down carts, checking people, or wiping down produce people have touched. The Home Depot it is the same thing. He stated that in his restaurant they wipe down everything, have curtains that divide tables, have huge ceilings, and crew members whose job it is to sanitize. He said it is inequitable in the way it is applied. Their restaurant is not the same as a Chick Filet. They have room and capacity. The rules are applied in an arbitrary way. He stated no one visited them to see what they were doing or to see how effective they were; but they are holding them accountable. He appreciates the resolution, but feels it doesn't go far enough. History has shown that it will last more than 30 days. The reality is that his 38 employees won't have a job right before Christmas. He has family they can live with, but restaurant workers live paycheck to paycheck. He feels the resolution needs more teeth and action.

Miguel Hernandez has owned over 10 restaurants and bars and has been in Castle Rock since 2009. The decisions effect the ones he loves and hardworking employees. People come to celebrate in their establishments. He feels it is unfair to be pointed at and controlled and referred to as a criminal because the Town cannot support criminal activity. To be accused and held accountable and separated from the business pool and targeted is wrong. They all complied at first. Big box retailers are packed daily with thousands compared to 30 patrons they serve on a daily basis. The government picks and chooses. One of his oldest employees just getting over health issues stated that was nothing compared to the depression. He encouraged Council to not rest, and do not take no for an answer.

Gary Godfrey, resident, is a voice and advocate for locally owned small business with CRCO Local Business Alliance. He talked to businesses that are angry at their government. He heard words that they will not survive, and this affects all businesses. Employees are suffering. It is a political issue. He feels those who are willing to open can do so and people have a right not to attend. Defiance is rising to a level and will turn honest people into criminals.

Kelly Nixon chose to stand to address Council to symbolize standing for their rights as business owners. She said businesses are dying out there. If their business closes, they can't feed their families. Our community is suffering mental health issues from a financial standpoint. She loves her job. They have been open since May 1. They have not had one case associated with her salon. She said you could eat off the floor at the restaurant across the street before COVID, and they still had people get COVID. She said masks and cleaning aren't going to make it better. We have to get back to living our lives to get past it. If employees don't have a job, they won't be fine. How many people lose by conforming to what the governor says we have to do. She appreciates what the Town has done. She

received grants but that only covered her rent and utilities for one month. Employees can lose their home. Her house is collateral for her business loan and she will lose it. That is not okay. We cannot sit down and let this continue to happen. We have to fight for our lives, for our businesses, and for our Town. This has to stop.

Jeff Samuelson thanked the Town and Council for their support of small businesses. He feels fortunate to be in this Town based on the backing they get. He feels we need to have a collective voice and help be a voice for all businesses and restauranteers that have leveraged their houses, work 80 hours a week and are about to lose them. All this matters. Council being here matters. If we don't stand up, they will think it is alright. He knows COVID is serious, and that his friend's mom died yesterday from it. He has read statistics and high risk people shouldn't go to restaurants. He is a supporter of small businesses and has multiple tenants in Town, and they are hurting and have everything on the line.

Eric Seifert asked Mara where people got COVID and noticed retail is not listed. They are not asking if people are going to retail. Home Depot would have a pile of lawsuits if they closed them down. They found a little guy to pick on to justify their power. Cases will go down and they will claim victory because we can't sue them. One restaurant will lay off more employees than the entire state government has laid off all year. He appreciates what Council is fighting for, but it is not enough. People are concerned about bankruptcy, addiction. He is concerned about the flu, and stated both of them had COVID. They closed on March 16 and closed for three months. We are in the virus prime season and feels we won't open until June. We cannot do that.

Will Beezley turned to address the people. He is a Douglas County resident, is a graduate of Ponderosa High and an Arizona University graduate. We The People can make this come to an end. It is a serious situation. He wrote a 45 page report about keeping our restaurants open that outlines elected officials in Tri County, CDPHE and tracking their political affiliations and political donations. These are the people calling the shots and use their political bias. It is not about the virus. He stated these people are operating with strong political bias. What separates us from other counties is that we have red leadership. We are the best in the state and lead by national example. We need to stand up for rest of Americans. We are one of the wealthiest and healthiest communities. We have proven we can do this safely. He will submit his report to Council.

Jesse Arellano owned C&C in Castle Rock and C&C in Colorado Springs. He noted the sign "In God we Trust". They saw this coming a long time ago and decided to be civilly disobedient. This is still America and we are losing that. He said to close big box stores, liquor stores, and pot shops and see how quick it ends. Churches and most restaurants are owned by conservative God-fearing people. We are all essential. They don't feel pain so they don't know. They closed their 2nd store and are now closed for good. We need to answer to God about what we did. We were willing to put our business on the line to stand up for freedom. I think it is time to put your jobs on the line. We elected you to represent us. Most small businesses are trying to make it. Stand up, we are going to listen to you. People need to come together and fight this. Lawsuits are hard. The pain is real. He prays Council will do the right thing and stand up to this tyranny.

Ted Mische is a grassroots leader and a resident. He got the pulse of the people by spending the summer touring Colorado and people are unhappy. They feel government stepped over the line. They don't trust the government, they trust in God. They are looking beyond what elected officials can do and will take matters into their own hands. Organizations are forming and planning, and you will have to deal with it at some point. He asked Council to get knowledge of what citizens want them to do, and work beyond what their office requires of them. His is hoping Council can go beyond that and do more than just a resolution and go to the capital and meet with them.

David Love is the Pastor at the Calvary Church and wants to give perspective. God has called us to do something and called out ones for public worship. Do not forsake the assembly of the brethren. Tri County limited the amount of people who come to hear God's word. They will not limit people. At 4pm on Saturdays, they hold a service where everyone wears masks. All other services they are not required. They obey God, not man. People are hurting and anxious. His church is helping every way they can. He stated it is the height of elitism - those that are getting a check telling others that they can't get a paycheck. They take away their dignity that they cannot provide for their family. That is wrong. Their church had Scileppi's make lasagna and bought it to donate to the food banks. Other churches have done the same with other restaurants, but it is not enough. We cannot let fear rule the day. Yes, some have come down with COVID, but we must learn to live with it, but do it with dignity.

Janine Glennon thanked Council for calling the emergency meeting. She is a restaurant manager and employee of the Espinoza's; and 90% of their employees are downstairs. Not one of the employees have had COVID, and they have followed every practice they have been asked to do. They are asking Council to stand behind them to get restaurants back. They are asking for limited capacity and let people make their own decisions.

James Keller is in fear for women and children. He is concerned with the overreach with masks. Now you are a bad guy if you don't wear a mask. He asked where will the slippery slope will end. We went from not telling women what to do with their own bodies but tell them they must now wear a mask. Where is the science coming from. Mara didn't have statistics to back it up. Who is going to enforce this. Will restaurants go to prison if they open. He is concerned about mental health issues, and if domestic violence calls are going up. Anxiety makes people do things they wouldn't normally do.

Mimi Espinoza just wants to keep employees working and protests the inequality of how this is being applied. You can get a two-hour massage or get your hair done, but they can't lay a plate in front of you with a mask on. 15-40 employees and science says to shut down, but why aren't they getting sick. Their customers are older and careful of their own health. They choose to come in and feel safe, but now aren't allowed to continue. King Soopers was packed, had no spacing, no distancing, no shut down. Please help us open.

Joseph owns Pino's in Castle Pines. He shares all the emotion and passion. The Douglas County \$15M grant is useless to their restaurants because the loss

period is March 1 to Nov 30. Restaurants do most of their revenue between Thanksgiving and New Years, but that loss period is not included in that calculation. Phase 2 will be devastating. In Phase 1 they received PPP money, and they were thankful and it did help. They kept all their employees and could stay open; however one of the conditions is they have to restore their entire payroll by December 31. Now they are on the hook to pay back the PPP money because they cannot restore payroll. They pulled the rug out from under them and now they have to pay it back.

An anonymous caller asked if submitted statements will be read online. Corliss stated they allow for citizens to provide written comments that can be accessed on the website and were made part of the public record.

Councilmember Johnson asked if we will have speakers online. Mayor Gray said he was not finished yet and that they would now take comments for individuals online.

***Public that addressed Council online:***

Mason Steele, resident, strongly opposes any shutdowns that affect the livelihood of people. He feels we have been lied to time after time by health experts saying if everyone wore a mask for 6 weeks we could drive it into the ground. Why are we letting them tell us the way we think and live. When we shut down indoor dining, we lose jobs and it affects the food supply chain, farmers, truckers, etc.. We are sentencing others to certain devastation for the "safety" of others. Science is as corruptable of a human activity as any other. He feels we are being spoon fed by only one side. Scientists have been silenced and censored that have disagreed. Do not comply. The more we obey and comply, the more the tyrants are going to push the agenda further. What is next. The cure is more harmful than the disease.

Jenny Steele, resident, has neighbors that own restaurants. They live in the downtown area. They are watching these families lose their income, their businesses, their dreams. They have close friends with Tamarind and they have no outdoor seating at all. They support them through ordering takeout. She noted that nearly 100 Loveland businesses are refusing to shut down and signed a letter to Larimer County Health. What can we do that is similar. She urged Council to push more and thanked Council for their work on this.

Dan Smoker, chair of Castle Rock Public Safety Commission, spoke on behalf of the vulnerable. He called area hospitals who reported most of their ICU beds are full and said that is above normal and will continue to rise. That is why restrictions are coming in place. Studies show that people that test positive are more likely to report they were in a restaurant. He feels the Town should come together and support these businesses. His family committed to spending money at local restaurants and asked all citizens to help small businesses.

***Mayor Gray noted that 26 written comments will be entered into the record.***

Councilmember Teal thought it was good to listen to Mara and appreciated their participation. He noted that when he asked her to name restaurants found to be



outbreak sites in their investigation, he didn't hear about any in Castle Rock. He looked at the list himself and there were no restaurants on that list in the Town of Castle Rock. None. Not one.

**Councilmember Teal proposed an amendment:**

Moved by Councilmember Teal, seconded by Councilmember Bracken to amend the Resolution by adding "The Town of Castle Rock will not comply and will not participate in the enforcement of the red level in the State of Colorado".

Councilmember Johnson stated she has worked in a restaurant and knows it is a lot of work in owning a restaurant. She spoke with the Douglas County Coroner who reported there have been 43 deaths from COVID this month which is the highest number of deaths in a month during the entire pandemic. On Friday, there were 11 additional cases in Douglas County hospitals. Cases and deaths are rising and they are seeing affects of this virus on our community and our county. We should try to do our part and be part of the solution and not part of the problem. She wants our restaurants to be open and serving, but does not want our lives to be put at risk. She doesn't want to put anyone at risk and doesn't want to be responsible for her mother-in-law to die. She said owning a restaurant is risky business.

Mayor Pro Tem Bower stated with any decision made, we have to evaluate the cost of what those decisions are. Some financial, some emotional. He believes where we are at and what we know about the virus, that the mental health component and negative impacts far outweigh the risk of the virus. There are a handful of vaccines out, and we know more than we did in April. A reason that Arkansas has a super high crime rate, is because the economy and quality of life is bad. He supports the resolution. He asked if we are tracking mental health at all. Douglas County has made big investments in mental health. He wants something in the resolution about the costs or negative impacts on mental health exceeding the risk of the virus.

Corliss stated the current motion is for an amendment that needs a majority of votes to pass. Bower said he doesn't want to enforce the mandates because they are not our mandate. He is in support of our Town not enforcing mandates, but he doesn't want to give a false impression that businesses can open and then have the state shut them down. He is hesitant to support language that we will not obey. He would have liked to have seen a state representative there, as Polis said they would consult with towns but they haven't. He is okay with not enforcing it.

Councilmember Bracken wants to make sure we are right sizing the language and that we need to send a message. This is real and it is the businesses' risk to take on. We don't recognize the red level, and we aren't going to enforce it. At the end of the day, it is the business owners' decision. We can't pay their fines and won't pull their local license. Bracken is willing to support them.

Councilmember Teal speaking to the amendment, says we will not comply and we will not participate in enforcement. It removes that last layer that is our Police force. The state or Tri County will have to do that themselves. This is symbolic and is not a change, it is just taking Castle Rock Police out of the limited

enforcement they have been apart of. The business owners assume that risk themselves, but it sends a clear message to the governor.

Councilmember Bracken stated that restaurants should still comply with social distancing and masks if they do make that choice. The first shutdown didn't work because we are here in a 2nd shutdown and have 6,000 tests from last week. The metrics are not fair, the restaurant's impact is not fair, and how it compares to retail is not fair.

Mayor Gray stated we have been working hard as a Council with Mayors across Douglas County and the Commissioners to keep the Town of Castle Rock open. They have had a lot of motions, resolutions, letters to the governor, phone calls, and zoom calls. He commends Town staff, Commissioners, etc. The biggest issue is with the state and national government that have failed our businesses. They decided to close our businesses without a plan and without compensation. It should be criminal. When they were at 50% everyone was doing a good job then they were knocked down to 25%. Most can't make it at 50%, then 25%, now just take out. Whether you believe the numbers are true or false, we have failed our communities. We knew we were going to hit these numbers, yet legislators sat on their hands and knew we were going to need money. He is normally against government bailouts. The 1st round helped out a lot of big companies and small companies still got the shaft. We don't have the authority to help them if they decide not to comply. They can't stand behind us or ask for our help. Gray stated he has lost most employees, one business closed, and one is not doing well. He has lost friends and customers that feel he isn't doing enough to protect them when they come to his store, and lost ones that he had to ask to wear a mask. He has a 79 year old mother, and wife who has cancer, so COVID is real; but he doesn't have a choice, he has to go to work every day so he is careful, like other restaurants are careful. His wife is careful. He doesn't mind the amendment but wants to make sure that the restaurants understand that we can't do anything about it if they get shut down. They need to do it with their eyes wide open and be safe. The onus lies upon our state and federal government that have not done their job. He asked the Town Attorney, Town Manager and Police Chief if there is an issue with the amendments.

Mike Hyman, Town Attorney, feels they could make a statement in the resolution. The power of the local government to deal with health related matters is limited. The state has the upper hand. He is not going to advise them that they can't make a statement.

Corliss, stated the Parks and Recreation department had to adjust, and that comply and enforcement are two different things.

Mayor Gray suggested removing comply. Councilmember Teal stated he was okay with the statement as given.

Councilmember Bracken feels the Department heads can choose for themselves.

Councilmember Teal has evidence provided by the state from their own list that there are zero outbreaks in Castle Rock restaurants. We have not been found from the state and Tri County to host any outbreaks. He is very comfortable with

the amendment as given.

Mayor Pro Tem Bower fears that "not comply" may encourage businesses to open and then get shut down. He is okay with not enforcing.

Hyman reiterated that the state has the power to enforce public health orders as does Tri County Health. The consequence of violating a health order is that authorities can take action. Weld County Attorney General has issued cease and desist orders to certain activities. If we violate public health orders, he is not sure what would happen and is a risk. Corliss stated there is a risk of them withholding CARES funding as a possibility. We are not involved the enforcement of the Tri County or State orders, and we have not issued any citations or arrests. This amendment is directing the Town not to comply.

Councilmember Bracken asked to continue not to enforce.

Mayor Gray doesn't want to put the CARES money at risk or Parks and Recreation at risk if they don't comply. The verbiage makes it sound like the Town can assist businesses and that businesses can open. He wants to make sure that everyone understands what they are getting into. He loves the idea of stating we aren't going to enforce it and he doesn't want to put our Town in jeopardy of losing funding.

Councilmember Bracken noted that a round of CARES Act funding is coming back to the Town and asked if that would help our case.

Hyman stated we must go through the County and stated future reimbursements could be at risk. The state Attorney General has made a statement that they would consider pulling funding.

Mayor Pro Tem Bower does not support the amendment and doesn't want to give restaurants the impression it is okay to do something when unfortunately the realism is its not our rule, and we can't protect them.

#### ***Vote on Amendment 1***

Amendment 1: Moved by Councilmember Teal, seconded by Councilmember Bracken to amend the Resolution to add "The Town of Castle Rock will not comply and will not participate in the enforcement of the Red Level restrictions in the State of Colorado".

***The motion failed 3-2, Johnson, Bower, Gray voted no.***

#### **Councilmember Teal then proposed another amendment:**

Moved by Councilmember Teal, seconded by Mayor Gray to amend the Resolution to add "The Town of Castle Rock does not agree with and will not participate with the enforcement with the Red Level in the State of Colorado".

Councilmember Bracken is okay with the amendment.

Mayor Pro Tem Bower asked if makes sense to ask for a variance. Mayor Gray stated they tried several times last week and were told emphatically no. Corliss stated the resolution does ask for reconsideration.

Mayor Pro tem Bower confirmed that the only change to the draft resolution was to remove the clause regarding El Paso County.

Corliss stated they will put the amendment in the Resolution and the letter to the governor and will send it to Tri County and the state legislators. He added that they should be encouraged to watch the meeting video, as there were very strong statements given that everyone needs to listen to.

Mayor Gray thanked everyone that spoke tonight and knows how emotional it gets. He thanked everyone for all the emails, that they do read them all and listen to all the public comments for and against, and weigh them carefully.

Councilmember Johnson asked to read the amendment and how it is changing what is being included. Corliss reiterated that we don't agree with the order and ask for a change and provide documentation to support that change, and that we are not participating in enforcement of the order and have not done so.

Lisa Anderson, Town Clerk, read the amendment for clarification.

Mayor Pro Tem Bower asked if any Council wo

**Moved by Councilmember Teal, seconded by Councilmember Bracken, that Resolution 2020-116 as Amended be Approved. The motion passed by the following vote:**

**Yes:** 4 - Bracken, Gray, Teal, Bower

**No:** 1 - Johnson

**Not Present:** 1 - Townsend

## **ADJOURN**

**Moved by Councilmember Teal, seconded by Councilmember Johnson to Adjourn. The motion passed by a vote of:**

**Yes:** 5 - Bracken, Johnson, Gray, Teal, Bower

**Not Present:** 1 - Townsend

Meeting adjourned at 8:55 pm.

Submitted by:

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Lisa Anderson, Town Clerk

