



Town Council Meeting Minutes - Final

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

Tuesday, July 14, 2020

6:00 PM

Virtual Town Council Meeting

Phone in at: (720) 650-7664

Meeting #146 227 1970

Participate online at

www.CRgov.com/July14Council

Special Emergency Meeting

This meeting is open to the public and will be held in a fully virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. In lieu of attending in person, this meeting will be hosted online and can be accessed at www.CRgov.com/July14Council, or phone in by calling (720) 650-7664, meeting code 146 227 1970. Please visit 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. July 14, 2020, to be included in the public record.

All Town Council Meetings are also streamed online in real time at 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.

INVOCATION

Mayor Gray provided the Invocation.

CALL TO ORDER / ROLL CALL

Present: 7 - Councilmember Loban, Councilmember Townsend, Councilmember Bracken, Mayor Pro Tem Bower, Councilmember Johnson, Mayor Gray, Councilmember Teal

Mayor Gray announced that the special meeting was called by Councilmembers Teal and Bracken to hear the Resolution and receive public comment.

Moved by Councilmember Loban, seconded by Councilmember Teal, to hold the special meeting on July 14, 2020 at 6pm. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

PLEDGE OF ALLEGIANCE

COUNCIL COMMENTS

Councilmember Bracken shared that he has had asthma since he was a child and supports opting out of the mask mandate. He needs to work out and keep his lungs active, and he has been affected from the various orders along with many others. He is choosing to opt out based on the data set. He has attended the weekly meetings with Tri County and reported that there have been 52 deaths in Douglas County of which 78% were in long term care facilities with an average age of 81. There have been 5 hospitalizations in the last 14 days and 9 total since

June. The variance to opt out was supported by Dr. Douglas, Tri County and the hospitals; and that is why he is recommending opting out of mandated masks. The goal was to not overwhelm the hospitals, which ours have been under capacity. He realizes that there are some people that are compromised or are caring for compromised individuals. He suggests identifying them so others can take care around them. Bracken states if the data changes, he would support a mask order and does not feel this is a partisan issue.

Councilmember Teal thanked Council and staff for accommodating the special meeting. He commended Councilmember Bracken for working with Tri County and keeping everyone informed.

Councilmember Johnson stated the purpose of this meeting is to decide if the Town should opt out of Tri County's public health order requiring use of facial coverings in public where social distancing cannot be maintained. She stated it has been a difficult decision and supports Castle Rock opting out noting that the data doesn't support the mandate. Johnson provided a presentation. Tri-County's assessment showed at least 75% of the population in the County wears masks without a mandate. Johnson highlighted rates of infection for the last four months and that Douglas County hospitalizations are low compared to Adams and Arapahoe counties. Johnson recommends the Town develop an education campaign highlighting the benefits of wearing a mask to protect others and to be respectful without shaming and bullying. Additionally, she feels we could provide free masks to residents and businesses by having a Mask Handout Day or have them available at the testing site or some other convenient location. Johnson feels businesses have a right to require masks and that many have pick-up and delivery service to accommodate customers. She feels this will assist businesses and residents still recovering from lost revenue and would encourage mask usage. She feels these costs could be covered by the CARES Act funding and would show our residents and businesses that we care and want to protect them without mandating it. Johnson added that if the Town enacted a mandate, she would comply. She encouraged everyone to continue wearing their masks.

Mayor Pro Tem Bower thanked residents for all of the calls and emails to provide input.

Mayor Gray received over 400 messages and has read and heard them all but hasn't had time to respond to all of them. He thanked everyone and stated they need their input. Dr. Douglas, Executive Director of Tri County didn't support the mandate for Douglas County and Castle Rock. Gray stated he does not like the division in the community and feels we initially had the "we" culture, all in this together and it seems like we are becoming the "me" culture. He feels we can do a better job being about "us", the Town of Castle Rock. Gray noted that he wears a mask at work and outside of work and finds it upsetting when he has to explain why he is wearing a mask. Gray shared that he wears a mask for his wife with cancer, his 78 year old mother, and friends that are immune compromised. Gray doesn't feel anyone should be shamed if they wear one or don't wear one. He noted that Tri County, the State or the Federal government could mandate masks in the future, but right now we have the opt out option. Gray stated his thoughts are data driven. Castle Rock has done a good job. He implores people to be caring and loving to one another, give yourself distance, and respect others'

feelings that have the right to wear a mask or not wear a mask.

Mayor Gray asked Council if they wanted to limit the time to hear comments.

Councilmember Johnson supports one hour.

Councilmember Loban supports leaving the time open with preference towards residents.

Councilmember Townsend supports limiting the time.

Mayor Gray feels we need to take it seriously, but an hour and a half will give us a good idea what our residents are feeling.

Councilmember Teal supports cutting off comments at 9:30 pm.

Moved by Mayor Gray, seconded by Councilmember Johnson, to provide one hour for citizen's comments. The motion passed by the following vote:

Yes: 5 - Townsend, Bracken, Bower, Johnson, Gray

No: 2 - Loban, Teal

ACCEPTANCE OF AGENDA

Moved by Councilmember Loban, seconded by Mayor Pro Tem Bower, to Accept the Agenda as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[RES 2020-061](#) Resolution Opting the Town of Castle Rock Out of the Public Health Order Issued By the Tri-County Health Department Board of Health Making the Wearing of Face Coverings Mandatory In Public Places

David Corliss, Town Manager, reported that the public health order was approved 5-4 by Tri- County to mandate masks in Douglas County with the ability to opt out for municipalities and counties. Corliss noted that the July 21st meeting is heavily scheduled, so in order to give this item attention, a special meeting was needed. The special meeting was called on Friday by Councilmembers Bracken and Teal. Corliss noted that if we don't opt out, we would follow the Tri County public health order which is supplemental to State orders and the variances approved. All of the information and comments are posted on the website. Corliss noted that the remote meeting process allowed for the largest attendance for Councilmembers and the public. The order is in the packet and defines face coverings and where they are required: outdoors within 6 feet of those who are not members of your household, indoor locations, public transit, health care services, work, interacting with the public, etc. Opting out would not change the rules for wait staff, entering a gym, etc. The Tri County order takes affect July 24 for 90 days, and we have until July 23 to notify them if we want to opt out. Douglas County has already communicated they will opt out and other municipalities are considering this as

well.

Mike Hyman, Town Attorney, stated Tri County is acting under its authority to adopt a stricter standard than the State; and that less restrictions are not permitted under State law.

Mayor Pro Tem Bower asked if the order requires business owners to enforce the mask mandate. Corliss replied that we would attempt voluntary compliance but it may be enforced by appropriate legal means. Any business that permits individuals without a mask may be subject to revocation or suspension of their license by the appropriate authority. Castle Rock Police has focused on education, and the order is not clear how it is enforced.

Hyman stated the order makes it available to municipalities to have the ability to revoke a local license.

Bower asked if the doctors on the Tri County board voted against the mandate. Corliss stated Dr. Douglas is the public health officer and did not recommend a mandate. His area of specialty is infectious diseases.

Councilmember Bracken noted that Dr. Douglas preferred people wear masks but was not supportive of a mandate.

Councilmember Townsend noted that the mandate requires businesses to police people that come into their businesses and they could lose their license or face other punishment if they allow people in that don't wear a mask.

Councilmember Teal noted that Dr. Douglas recommended excluding Douglas County, and asked if all counties and municipalities in Tri County can opt out. Hyman confirmed that all counties and municipalities can opt out. Mayor Gray said he was aware that a couple of towns and cities in Arapahoe and Adams counties are looking at opting out.

Council began accepting public comment at 6:50 pm and will conclude at 7:50 pm.

Citizens that signed up to speak addressed Council:

Leigh Camel - resident, opposes opting out and questions the statistics. She feels we are not an island and others enter our town. She wants to encourage tax revenue and protect our community. Having a mandate in place is for the common good like seat belts and preventing drunk driving. Business owners want to protect their staff.

Kati Peditto - resident, opposes opting out. She stated she has her PhD from Cornell and is a university professor. She is immune compromised and feels A-symptomatic transmission is possible. Peditto feels this is a public health matter and that masks lead to slow down.

Jim Reddan - did not speak.

Mason Steele - resident, supports opting out. He feels it is government overreach and that there is conflicting research. Steele feels there are side affects from wearing masks that reduce oxygen level and contain harmful pathogens expelled into masks. He feels it could get ugly if businesses are responsible for kicking people out that aren't wearing a mask. He noted that there are people that have valid health issues or experience panic attacks that can't wear a mask. There needs to be a freedom of choice and compassion for people for whatever choice they make.

Jenny Steele - resident, supports opting out. She shared her experience wearing a mask at work causing shortness of breath, headaches and fatigue; stating it is not a minor inconvenience. Steele said it is hard to be a present mom at the end of the day and that studies are based on upon how well masks limit the virus transmission in perfect world scenarios. She has witnessed masks slipping down, people readjusting them, itching, and wearing the same dirty masks every day. Steele feels we are using masks that are increasing our chance of harboring viruses and lowering our immune system.

Butch and Kim Stinton - did not speak.

Nelly Kuresman - resident, opposing opting out. She feels masks can help with droplets when we talk, laugh, etc., and research shows people that have no symptoms can spread the virus. She feels everyone should wear a mask in public and employees should wear masks to protect other people and help us control the pandemic.

Thomas Woodward - resident, opposes opting out. Woodward stated he is retired, 70 years old, and immuno compromised. He stated his oxygen levels are no different when wearing a mask. He feels all it will take is one super spreader and resents those not wearing masks who are taking chances with his life. He compared it to as if someone open carrying shot him, they would be charged; but if someone breaths on him and dies there is no punishment. He feels we need more stringent requirements.

Carolyn Bresnahan - resident, opposes opting out. Her family feels safer and wants to go into businesses that have a mandate in place. She sees very few people wearing mask; and feels it will take the onus off of businesses that want to have a policy to wear masks. Bresnahan doesn't want to have to go back into lockdown and allow our businesses to stay open, but the numbers are now on the rise.

Irene Rettenmaier - resident since 1994, opposes opting out. She questioned who cares who is right or wrong, she wants to allow all business in town to stay open. People can go to work and provide for their families and kids can go to school. We should show the state we are better than the political environment. We can agree to disagree but come together and do the right thing. She stated that your family member could die because someone didn't wear a mask.

Matthew Smith - resident, supports opting out. He feels we should respect constitutional rights of folks to make independent decisions and can choose not to wear a mask while being safe and responsible by complying with social

distancing. He feels it is a slippery slope. He stated that masks that have a plastic cylinder valve are not covered, so you could be in violation because you aren't wearing the right kind of mask.

Casey Zuzak - resident, opposes opting out. He feels it is important to wear masks in all public places. Masks help reduce transmission according to science. If we opt out, it allows our guard to be taken down. He feels we can't let the lock down happen again and feels we are better than that. Zuzak feels this is not an overreach of the government and that masks don't bother most people. If people have a medical reason, they don't have to wear a mask. He feels it is not an attack on our freedom, but enables us to return to freedom allowing kids to go back to school and people to go back to work.

Julie Denton - resident, supports opting out. She stated that when pandemic started, we shut down everything to flatten the curve to prevent the medical system from being overwhelmed. Now it has been taken to a level that we can't do normal activities until there is a cure. The point was to flatten the curve and we have done that. Our system is not overwhelmed without a mask. The WHO and CDC go back and forth on what we should be doing. More people are testing positive because we are doing more testing than anywhere else in the world. Positive tests are reported if they have antibodies. She feels we are not seeing crippling in our health care system especially in Douglas County. Death rates have been exaggerated and were only changed after they were called out. She questions how we can trust that they aren't inflating the number of cases. Denton feels mandates create unnecessary discrimination from those that can't wear a mask, people are harassed, kicked out of stores, and receive dirty looks. She feels it makes life more complicated for people with disabilities.

Brian Glotzbach - resident, supports opting out. He feels the statistics are low in Castle Rock and not sure we need to mandate masks, especially when 75% are already doing so. The rise in cases correlated with the rise in testing and people with antibodies or that had a mild case. He feels the jury is out on the effectiveness of masks. We have the lowest case rate than other counties, and cases have trended when there are mask mandates. The evidence shows we are doing much better than our peers.

Bradley Holbrook - did not speak.

Federico Morales - resident, opposes opting out. He supports the mandate in order to beat the virus sooner. He stated we know masks work and other countries have defeated the virus by following best practices. The places that have controlled their environments have been able to have freedom while controlling the virus. Most people wear masks in the grocery store.

Marcus Florido - resident, supports opting out. He stated the computer modeling hasn't been accurate and asked how we will know if it is effective. He referenced DUI's are quantifiable and have due process. We can't tell immediately if someone is positive, so assume they are infectious invites potential legal action. He feels it is a tool for bullies. They state masks are designed to slow the spread, but you can't hide from the common cold.

Jami Qussar - did not speak.

Charles Fletcher - resident since 1998, opposes opting out. He stated he has had asthma since he was five and wears a mask for himself and others. He stated we are on the I-25 corridor and are highly reliant on sales tax from outside our community. This is an opportunity for us to stand out and be different from our neighbors, and people would want to visit Castle Rock because they feel safer. He feels rules for masks are like when we limited smoking - you have a right to smoke but not around everyone else. He referenced the mass transit study that shows 70% of residents leave Douglas County and go to work, and big employers are bringing employees in from other communities.

Tom Nehls - inaudible.

No other public signed up to speak.

Mayor Gray noted there were 197 written comments that were submitted online and entered into the record.

Mayor closed the public hearing at 7:50 pm.

David Corliss, Town Manager, addressed Mayor Pro Tem Bower's question about the penalty to businesses that do not enforce wearing masks. Section 2(b) states "if refuses to wear for reasons not allowed, business shall decline entry to the individual."

Councilmember Loban reported that 25-30% of the feedback he received was in support of a mandate and the remaining feedback was in support of opting out. Loban said that there has been amazing interaction from this issue and a tremendous amount of information.

Councilmember Townsend expressed gratitude to those that provided feedback. He feels the difficulty of not opting out puts a burden on businesses to enforce this and pits citizens against each other. Townsend stated he wears a mask in public and encourages others to, but is not in favor of requiring it.

Councilmember Bracken stated it has been a good discussion and a lot of great points. Bracken doesn't want to appear callous or uncaring, but the data supports that we should opt out of the mandate. He stated if the data changes, we will need to revisit it. He likes the ideas to identify those at risk and provide education. There is passion on both sides. Bracken hopes people will continue to wear masks and exercise good judgment.

Councilmember Teal thanked Bracken for his involvement and bringing the information to Council. He feels the most compelling information is that Dr. Douglas recommended excluding Douglas County based on data. He feels we should put politics aside and follow the data. Teal is in favor of opting out as we have the lowest numbers, so it does not support changing what we are doing.

Councilmember Johnson asked staff if some of the recommendations she made would be possible for the Town to implement. She feel providing masks to

businesses could avoid situations where a customer needed a mask to enter the business. Corliss asked for Council direction to create an education program and facilitate some mask giveaways given we have resources or if it is reimbursable under the Federal CARES Act.

Mayor Pro Tem Bower stated we can all agree that we all want to beat this thing and go back to how it was before. The data shows Douglas County is doing a good job and we are the healthiest county in the nation. It is because we are smart and doing the right thing. If data is showing 77% are abiding by mask rules, there is no need for force. When you apply force, you can expect resistance. Make your own decision for your own personal health and be respectful of others.

Mayor Gray feels all Councilmembers are on the same page. He has family, friends and the community to protect so he chooses to wear a mask. He noted that he has friends and relatives that don't want to wear a mask and respects both. He would like to see everyone wearing a mask but does not think we should mandate it. Enforcement is hard. He stated that he has customers that would not come in if they had to wear a mask. Others that wear a mask may leave if someone isn't wearing a mask. We need to be respectful. This could be a mandate at some time from Tri County or at the State or Federal level. He feels it is a personal choice and encourages people to wear a mask and discourages shaming anyone on either side of the issue. Gray added that he would like to see more testing to give us a better idea of what is going on.

Moved by Councilmember Loban, seconded by Councilmember Teal, that Resolution 2020-061 be Approved as presented. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

Mayor Gray is in favor of exploring a mask giveaway and an educational program.

Mayor Pro Tem Bower would like to communicate the results of the meeting and encourage people to wear masks. Bower is not sure it is necessary to supply masks as the type of mask is a personal choice for design and fit.

Councilmember Teal is not opposed to the proposed programs, but would like a fiscal analysis brought back to Council before voting on it..

Councilmember Johnson feels the mask giveaway could be covered under the CARES Act. She would like to explore the mask giveaway and an educational campaign. She would like to support businesses that have endured verbal abuse for requiring masks.

Councilmember Loban supports an educational program about what we passed, and that wearing a mask is a personal choice.

Councilmember Bracken is supportive of the educational program and of folks voluntarily wearing a mask. He agreed with Councilmember Teal for staff to bring ideas to the next meeting.

Moved by Mayor Gray, seconded by Councilmember Johnson, to develop an

education program and explore a mask giveaway program for Castle Rock businesses and citizens. The motion passed by the following vote:

Yes: 5 - Townsend, Bracken, Bower, Johnson, Gray

No: 2 - Loban, Teal

ADJOURN

Moved by Councilmember Johnson, seconded by Mayor Pro Tem Bower, to Adjourn. The motion passed by the following vote:

Yes: 7 - Loban, Townsend, Bracken, Bower, Johnson, Gray, Teal

Meeting Adjourned at 8:23 pm.

Submitted by:

Lisa Anderson, Town Clerk