

MINUTES

CITY OF WARR ACRES SPECIAL CITY COUNCIL MEETING

**TUESDAY
JANUARY 26, 2021
6:00 P.M.**

1. The meeting was called to Order at 6:04 p.m. Declaration of a quorum present was given.

ROLL CALL

Present

Absent

Mayor Jim Mickley
Vice-Mayor John Knipp
Councilman Roger Godwin (arrived at 6:06 p.m. and left at 6:10 p.m.)
Councilman Jim Von Thaer
Councilman Pat Woolley
Councilwoman Kim Allsup
Councilman Jon Evans
Councilman Donnie Ryan

2. Discussion and possible action on a Change Order with LINGO for the removal/remediation of the asbestos at the old City Hall so the process can proceed to make way for the new Fire Department. *Long* *****

Planner Long stated that this is a follow up to the council meeting where the council declared an emergency. Lingo re-bid and was able to get better pricing so we are asking for approval to a change order with Lingo. Instead of the original cost of \$77,000 they have secured a cost of \$44,950.

Motion by Ryan, second by Woolley to approve the change order with Lingo. Poll vote: Knipp, yea; Ryan, yea; Allsup, yea; Evans, yea; Woolley, yea; Von Thaer, yea; and Mickley, yea.

Motion Passed Unanimously.

Item 3 was heard before item 2.

3. Discussion and possible action on changing or not changing the city's policy on time off due to Covid-19. *McMorrow-Love* *****

Margaret McMorrow Love addressed the council it has two parts, one is the emergency paid sick leave and the other is the extension of the FMLA. It took affect in April and expired on December 31, 2020; the city used this because it allowed more than was in the Employee Handbook. Since the statute has expired you need guidance weather to continue with what it had or not considering the virus is still with us. It is actually more prevalent now than when the statute took effect. It allows for an additional 80 hours of sick leave that is not taken from the employees leave. It can be used three ways, if there is a federal or state mandate shelter in place, if an employee has been advised by a healthcare provider that they need to quarantine while waiting on a test or trying to determine if they have been exposed to Covid, and the third is if they have symptoms and are waiting a diagnosis. This leave only applies where the employee can not work from home. They do not get the leave if they are able to work from home or if there is not work to be performed. The expanded sick leave pay also includes up to two weeks if you are unable to work because there is not child care available due to schools being closed or daycares closed. Then there is the extended FMLA and provides for 10 weeks at 2/3rds pay. So currently the statute is not in affect so there is not requirement for you to offer any of this. Because this would have a monetary affect and this over and above what is in the handbook. Since the statute is not in affect then you need guidance as to what you should do. You could try it for three months and see how it works out, vaccine is coming and schools are to be back in February 1st so really won't have the use of extended FMLA as much as extended sick leave. Councilman Ryan asked if there was a documentation requirement and the answer was there is a documentation requirement. Under the rules of the emergency EEOC for Covid they have past regulations that now allow for temperature checks, can ask for certification of a positive test, or a negative test and if someone is gone because they are sick you can ask about symptoms. You can not ask about family members. They have also issued guidance on mandatory vaccines and yes you can make them mandatory, because under OSHA every employee should be allowed as much as possible a healthy work environment. Councilman Ryan asked if an employee thinks they have Covid and they test and are negative how is that covered under this. It was mentioned that there are false positives and negatives and if the employee is still showing symptoms after a negative test you can request another test. His concern is that it might be a flu or some other sickness and not Covid. You can require them to provide certification that it is Covid. If they were off waiting for testing, they those days would be but then after the negative test then it would come off regular sick leave. It might be better to hold the emergency time and just take it from regular sick in case of future infection. Councilman Knipp asked about refusal to take the vaccine. Attorney McMorrow-Love stated that there are categories under traditional EEOC regulations, if you can prove that there is a legitimate sincerely held religious belief against vaccinations or any other medical treatment you cannot be made to take it; or if you have a medical condition that would be compromised or you are allergic to any of the components of the vaccine you can not be mandated. Chief Patty asked about if an employee gets a direct exposure and we have them quarantine per CDC and then three for four weeks later they have another direct exposure and we tell the to again quarantine. Attorney McMorrow-Love stated that this only contemplated one time, 80 hours, but that is why you have sick and vacation time accrued. This was actually contemplated for those low-income jobs where they don't have sick or vacation time to take, and to ensure

that those people would be able to stay home and still have some kind of income coming in. Councilman Ryan stated that since the law has lapsed then we have to decide how to handle it. That is correct and the city can elect to continue the way it has been, they can continue for a three-month time frame through April and see where things stand with the rate of vaccinations, rate of infections, rate of hospitalizations, and see if schools are still in. This is a legislative decision because if you continue you would be in conflict with the handbook that the council adopted so you must decide how to move forward. Councilman Ryan stated that he feeling is that if the employee is exposed because they went out somewhere and got it then they should not get the emergency leave they should use their regular sick or vacation. Councilwoman Allsup asked about how this would impact the budget. Clerk/Treasurer Ramirez stated that the Overtime might be an issue to cover for those that are off. Chief Patty asked how it was going to be handled if you have already used it you don't get it again or is it affective after the council passes it. That is what the council needs to decide. The attorneys stated that thought it would start February first so February, March and April. Chief Patty stated he is asking because he has had people out and wants to know if this would be a clean slate.

Motion by Ryan, second by Allsup to approve continuing with the Covid-19 policy for the months of February, March and April with a re-evaluation at the end of April. Poll vote: Knipp, yea; Ryan, yea; Allsup, yea; Evans, yea; Woolley, yea; Von Thaer, yea; and Mickley, yea.

Motion Passed Unanimously.

4. Discussion and possible action regarding the bids for the South MacArthur project.
Wallace *****

The bids for South MacArthur were opened at ODOT and there were five bids and the winning bidder was Schwarz. The bids were 4% over the Engineers estimate and so the city will be responsible for an additional \$268,092.54. ACOG froze what they would pay 5 years ago so the additional must be paid by the city.

Motion by Woolley, second by Knipp to approve the bid with the additional fee to be paid is in the budget. Poll vote: Knipp, yea; Ryan, yea; Allsup, yea; Evans, yea; Woolley, yea; Von Thaer, yea; and Mickley, yea.

Motion Passed Unanimously.

The project has a 230-day time frame and will start in April so 6 months to complete.

5. Adjournment.

Motion by Knipp, second by Woolley to adjourn. Poll vote: Knipp, yea; Ryan, yea; Allsup, yea; Evans, yea; Woolley, yea; Von Thaer, yea; and Mickley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer