

**CITY OF VIENNA
CITY COUNCIL MEETING
VIENNA CITY HALL
205 North 4th St
November 6, 2019
6:30 P.M.**

AGENDA

1. Mayor Calls Meeting to Order.
2. Roll Call:

Hill _____ Riddle _____ Owen _____ Racey _____ Tuey _____ Penrod _____

NEW BUSINESS

3. Omnibus Consent Agenda
 - Approval of the October 16, 2019 Meeting Minutes
 - Approval of the Warrant

Motion _____ **Seconded** _____

Hill _____ Riddle _____ Owen _____ Racey _____ Tuey _____ Penrod _____

4. Authorization and Approval to accept the Zoning Board's recommendation per application submitted by Family Counseling for a Special Use Permit at the location of 707 North 6th Street for administrative use at the October 28 meeting.
(Approve/Disapprove)

Motion _____ **Seconded** _____

Hill _____ Riddle _____ Owen _____ Racey _____ Tuey _____ Penrod _____

5. Cannabis Sales- Discussion/Public Comment

6. Authorization and Approval of a Taser Policy for the City of Vienna Police Manual

Motion _____ **Seconded** _____

Hill _____ Riddle _____ Owen _____ Racey _____ Tuey _____ Penrod _____

7. Authorization and Approval of Funds for the purchase of fruit for the 50/100 mile run to take place Nov 9-10th at the City Park- **\$750.00 (Tourism Funds)**

Motion _____ **Seconded** _____

Hill _____ Riddle _____ Owen _____ Racey _____ Tuey _____ Penrod _____

8. Authorization and Approval of the city's Insurance Renewal Policy with ICRMT, IL County Risk Management Trust
Dec 1, 2019-Dec 1, 2020- **\$78,059.00 (Various Funds)**

Motion _____ **Seconded** _____

Hill _____ Riddle _____ Owen _____ Racey _____ Tuey _____ Penrod _____

9. Authorization and Approval for donation for Santa on the Square (formerly Santa at the Depot) purchase of gifts/candy **-\$250.00 (Community Funds)**

Motion _____ **Seconded** _____

Hill _____ Riddle _____ Owen _____ Racey _____ Tuey _____ Penrod _____

10. Authorization and Approval of a Cooperative Agreement Providing for the Services of the Johnson County Animal Control Warden Within Municipal Limits
Effective: Dec 1, 2019

Motion _____ **Seconded** _____

Hill _____ Riddle _____ Owen _____ Racey _____ Tuey _____ Penrod _____

11. Authorization and Approval for ad placement in the 2020 Southern Illinois Scout magazine- Ad size to be determined by council (**Tourism Funds**)

Motion _____ **Seconded** _____

Hill _____ Riddle _____ Owen _____ Racey _____ Tuey _____ Penrod _____

PUBLIC COMMENT/ADDITION TO THE AGENDA

12. **City Elected and Appointed Officials:**

- Jon Simmons, Mayor
- Aleatha Wright, City Clerk
- Shane Racey, City Supt
- Michelle Meyers, Treasurer
- Jim Miller, Chief of Police
- Brent Williams, Fire Chief
- Margaret Mathis, City Librarian
- Phil Morris, Depot
- City Council

13. **Adjournment:**

POSTED: 11-4-19

BY: 

Taser

1. POLICY

- a) It is the policy of the Vienna Police Department to ensure the safety of all Officers and citizens. Tasers are an effective means of reducing the number of serious injuries to Officers and suspects. Tasers are an effective non-deadly technology that can be utilized by the Vienna Police Department as an alternative to deadly force.
- b) They can also be deployed when a subject presents an imminent physical threat to himself and others. When used properly, Tasers can reduce injuries, deter resistance and reduce excessive force claims.
- c) The Taser is an additional police tool and is not intended to replace verbal problem-solving skills, ASP, OC spray or firearms,
- d) It is the policy of the Vienna Police Department to "make available" a Taser, to certain Officers who have been trained by a certified instructor and have successfully qualified.
- e) The deployment of the Taser will be the decision of the officer, taking into consideration the actions of the suspect, the threat facing the Officer and/or the general public and the totality of the circumstances.

2. DEFINITIONS:

- a) Taser - The Taser is a hand held, laser aimed, battery operated, less Lethal conducted energy weapon. Voltage is applied to a subject by two darts connected to conducting wires propelled from an air charged cartridge, or from direct contact know as a drive-stun. The Taser uses an electro-muscular disruptive system, which overrides the central nervous system. When the Taser is applied it affects the sensory and motor nervous system resulting in temporary, involuntary muscle contractions. The contractions will incapacitate a subject so they can be placed under the control of Police Officers. The Vienna Police Department will be equipped with the X2 Taser. Personally owned Tasers are not permitted.
- b) Tased - The accepted word indicating that a subject or animal has received an electrical charge from a Taser.

3. TRAINING:

- a) The purpose of the following training is to ensure the Taser user is knowledgeable of the workings of the X-2 Taser, its effects and ability to subdue non-compliant suspects. The Taser user will be more confident with the use of the Taser and will have firsthand knowledge and expertise for courtroom testimony.
- a) All sworn personnel will be required to take a course on the use of an X-2 Taser. This course will be conducted by a certified Taser Instructor. All sworn personnel will be required to re-certify with the Taser annually.

4. PROCEDURES:

- a) Tasers will be issued to, handled by and deployed only to Officers who have completed the Taser certification course. The Taser shall be handled in the same manner and treated with the same degree of care and discretion as a firearm.
- b) Tasers shall only be used as instructed in the Certification Course, and only in accordance with Department Policy and State Law. The deployment of a Taser is considered on the same use of force level as pepper spray (Oleoresin Capsicum).
- c) Only properly functioning and charged Tasers shall be issued for field use. The battery

charge will be checked at the beginning of each shift. The battery charge shall only be checked when there is no air cartridge loaded in the Taser. The Taser shall be pointed in a safe direction with no air cartridge loaded in the unit for the "test spark", performed when checking the Taser out to test the battery charge. The Officer shall ensure the "test spark" is completed.

- d) Any Taser or component thereof found to be defective or damaged shall be returned to the Chief of Police for repair or replacement, with a detailed explanation of the malfunction or cause of damage.
 - e) All Tasers and associated equipment shall be properly secured when not in use. When in the field, the Taser shall be carried in the Department-approved holster.
 - f) Each deployment of a Taser shall be documented using The Use of Force Report Form and Taser Use Form. This includes a contact deployment, as well as a firing of an air cartridge or other deployment resulting in a subject or animal receiving an electrical charge from the Taser, or when the Taser is activated ("sparked") and the subject is subdued/controlled without actually receiving an electrical charge from the Taser.
 - g) Any accidental discharge of a Taser air cartridge shall be documented in a written report, a copy given to the Chief of Police and the employee will be subject to disciplinary action depending on the circumstances surrounding the accidental deployment.
5. DEPLOYMENT:
- a) Whenever a Taser is to be deployed it is the responsibility of the deploying officer and on-scene Supervisor to make certain officers on scene understand that the Taser is being deployed and not lethal force, prior to the deployment of the Taser if at all possible. This shall be accomplished through the warning announcement "TASER" to alert other officer's as well as provide the subject additional opportunity to cease the conduct that has given rise to the deployment of the Taser.
 - a) When an officer approaches a subject with the intent to deploy the Taser, an additional officer should also approach whenever possible to provide cover should it be necessary for further protection. Verbal commands should be used constantly before (whenever practical), during and after deployment of the Taser to warn the subject to cease his/her aggressive demeanor or action.

WARNING: Do not intentionally target sensitive areas of the body with the Taser.
Head, throat, chest/breast, genitals and known pre-existing areas.

The preferred target zone front:

Lower Torso. Reduces the risk of hitting sensitive body areas and increases dart-to-heart safety margin distance.

The preferred target zone rear:

Area below the neck, larger muscles, reduced risk of striking sensitive body areas and surprise factor.

Probe placement:

Always follow department policy. Attempt to achieve maximum probe spread with increased target distance, minimum 4 inch spread preferred.

If close probe spread is anticipated due to target distance, attempt to place one probe above waist and one probe below waist.

Cardiac:

When possible, avoiding chest shots with Taser reduces the risk of affecting the heart and avoids controversy about whether Taser does or does not affect the heart.

Probe deployment range:

Deployment range from virtually point blank to 25 feet depending on cartridge used.
Cartridge length indicates length of wire.

Deployment distance considerations:

Deployments from point blank to 7 feet.

Higher hit probability, plenty of slack in wires and good reactionary distance.

Deployments from 7-15 feet (preferred range):

High hit probability, plenty of slack in wires and good reactionary distance.

Deployments from 15-25 feet:

Decreased probability of hit with probes, less slack in wires, large probe spread=large amount of muscle affected.

Drive stun procedure:

Will affect the Sensory Nervous System.

A drive stun should be applied as a "pain compliance" technique.

Give clear commands prior to applying drive stun.

If there is non-compliance, deliver a drive stun.

Cease drive stun immediately when compliance is achieved.

Handcuff and secure subject ASAP once compliance is achieved.

Precautions:

Do not hold on to live cartridge while applying drive stun.

If cartridge gets within 2 inches of the Taser during a drive stun, it may deploy.

For maximum effectiveness, drive the Taser device into certain pressure points.

Use care when applying the drive stun to the neck or groin area.

It is prohibited to use the drive stun to the back of the neck or trachea.

The drive stun might not be very effective because of the ability to achieve desired pressure point application with a combative subject, difficulty in maintaining contact with combative subjects.

Drive stun follow-up may be employed under the following circumstances:

Close probe spread, single probe hit and broken wire.

Restrictions and elements increasing the risk of injuries from Taser Deployment:

Injuries from falls

The Neuro-Muscular Incapacitation effect of the Taser frequently causes people to fall.

"Secondary impact" injuries have been cited in numerous court cases.

Falls, even from ground level, can cause serious injuries.

You must carefully consider the likelihood of "secondary impact injuries" created by the environment and surroundings.

Increased deployment risk examples:

Subject running. The use of a Taser against a non-violent suspect who is fleeing on foot creates a risk of serious injury or death, therefore it is PROHIBITED by the Vienna Police Department.

Subjects in elevated positions. Taser induced strong muscle contractions usually render a suspect temporarily unable to control his or her psychomotor movements. This may result in secondary injuries such as those due to falls. This loss of control, or inability to catch oneself, can, in some circumstances, increase the risk(s) of serious injury or death. Person(s) at higher risk include: Those located at elevated or unstable platforms including, but not limited to, trees, fences, ledges, loading docks, cranes, etc. The application of the Taser to a suspect who is high off the ground would be considered a deadly force application in that the potential result of the particular use of force could cause serious bodily injury or even death. Therefore, it is PROHIBITED by the Vienna Police Department.

Flammable or explosive environment.

Operating vehicle or machinery.

Obviously pregnant

In water (drowning risks)

Sensitive target areas

Obviously frail or infirm

Small children

Low body mass index (BMI) persons

On restrained individuals unless the actions of the subject present an immediate threat of bodily harm to themselves or any other person

On subjects exhibiting compliant or passive restraint

Subject chemical or mental influences:

The Taser can be effective on subjects affected by chemical or mental influences because it is not dependent on pain for effectiveness. It achieves incapacitation by affecting the motor function of the nervous system. Once the subject is controlled/cuffed, evaluate the need for medical attention.

Physiologic or metabolic effects:

Studies show Taser effects are comparable or less than from:
Struggling, resisting, fighting, fleeing, and some other force tools or techniques.

Each cycle or exposure from a Taser is considered a separate use of force.
Multiple Taser applications cannot be justified solely on the basis that an arrestee fails to comply with an officer command. This is particularly true when multiple officers are present. Any decision to apply multiple cycles of the Taser must depend on whether the arrestee is able to comply with commands: Emotionally, physically, mentally and with conflicting commands.

- c) Subjects who have received an electrical charge from the Taser unit or probes, shall be treated as follows:
- 1) Once the subject is safely secured and in custody, the arresting officer shall notify a supervisor that the subject has received an electrical charge from the Taser and relate the approximate time the action occurred. If the probes penetrate the skin, the puncture sites shall be brought to the attention of the on duty supervisor or medical personnel. The subject's physical position shall be considered for positional asphyxia (restricted breathing). The subject shall also be monitored for excited delirium.
 - 2) Only medical personnel may remove or direct to be removed, any Taser probes that are embedded in soft tissue areas such as neck, face and groin. Removal from other areas will be at discretion of the on-scene supervisor or medical personnel.
 - 3) The on-scene supervisor shall determine if the subject should be transported to the hospital.
 - 4) If the probes are no longer affixed to the subject and the supervisor determines the subject does not need to be transported to the emergency room / hospital; the subject may be transported to the detention facility. The transporting officer shall secure the probes / wires and place them into evidence. The transporting officer shall continue to evaluate the suspect for any medical distress while en route to detention.
 - 5) If the subject is transported to the emergency room /Hospital, the transporting officer will obtain the probes / wires from the medical personnel and place them into evidence.
 - 6) Officers must be aware that one aspect of possible injury to a subject receiving an electrical charge from a Taser is that of a fall from a standing position.
 - 7) The spent air cartridge and probes shall be collected and preserved as evidence. Caution should be exercised in handling probes that have penetrated a subject's skin. Such probes shall be packaged and handled with the same care as a hypodermic

needle, and shall be packaged in a suitable container to prevent accidental infection. The probes shall be labeled as a biohazard when submitted as evidence.

6) DOCUMENTATION:

- a) The deploying officer is responsible for documenting the Taser by completing the Use of Force Report / Taser Usage Report, indicating the Taser usage. A detailed account of the probable cause for deploying the Taser each time it is deployed. If the deploying officer is not the primary reporting officer, the deploying officer shall generate a detailed supplement to the case documenting his/her role in the deployment of the Taser.
- b) The officer deploying the Taser shall ensure photographs are taken of the subject receiving an electrical charge from the Taser (contact or probes), with special attention to any area injured and where the charge was received. The officer shall also include detailed documentation in the report of how the injuries occurred.
- c) The deploying officer shall notify his / her Chain of Command of the use of the Taser to ensure a detailed review of the deployment.
- d) The Taser that was deployed will have the deployment report / video downloaded from the Taser's data port. The report will be downloaded by the Chief of Police or his designee. Once a report is obtained, the Taser may be returned to service.
- e) A copy of the printed report shall include the date prior to the Deployment, the date of the deployment on a subject, and the day after if available, and then forwarded to records for inclusion in the case file.

7) TASER CONTROL MANAGER'S RESPONSIBILITIES:

- a) The Chief of Police shall designate a Taser Control Manager. The Taser Control Manager shall:
 - 1) Receive, inspect, and ensure the maintenance and replacement of the Department's Taser devices and related equipment.
 - 2) Establish and maintain systems to record issuance of equipment.
 - 3) Return defective or damaged Tasers and air cartridges to the suppliers.
 - 2) Obtain service and/or equipment for defective or damaged Taser components from Supplier.
 - 5) Review reported uses of a Taser by Department personnel and establish a system for maintaining statistics on the performance of a Taser.
 - 6) Ensure Basic certification and re-certification annually on the Taser is provided as needed, as well as maintaining a record of the training.
 - 7) All other duties as may become necessary for the employment, maintenance, and enhancement of the Department's Taser Program.

Miles Brothers Foods

212 N 1st St. Vienna, IL 62995

618-771-8304

(750) Oranges

(750) Bananas

(300) Gallons Drinking Water

TOTAL : \$750.00

Pickup 11/8/19

100 mile Run
Phil Morris

**COOPERATIVE AGREEMENT PROVIDING FOR THE SERVICES OF THE
JOHNSON COUNTY ANIMAL CONTROL WARDEN WITHIN MUNICIPAL LIMITS**

This Cooperative Agreement for the provision of the services of the Johnson County Animal Control Warden, hereinafter called "Warden", to the City of Vienna, Illinois, is entered into this First Day of December, 2019, between the County of Johnson, State of Illinois, hereinafter called "County" and the City of Vienna, Illinois, hereinafter called "City".

Whereas the City is desirous to obtain the service of the Warden for the purpose of enforcing City Ordinances regarding animal control and the laws set out by the State of Illinois through the Illinois Agriculture Department; and whereas the County is desirous to provide the above said services of the Warden to the City, the parties agree as follows:

1. This agreement shall be effective upon signing by both the County Board and the City Governing Body, and shall extend for a period of one (1) year for fiscal year 2020. Provisions for cancellation of this agreement by either party are as follows: in the event of a breach of any provision found in this agreement, a thirty day written notice is required prior to the end of any monthly period or within thirty (30) days prior to the termination of said Agreement.
2. The City shall appoint an Animal Control Liason, hereinafter called Liason, to coordinate the activities of the Warden within the City. The Warden shall provide services to the City in non-emergency situations only when requested to do so by the Liason. The Warden may provide services to the City without the request of the Liason only in an emergency situation. For the purpose of enforcing this agreement, the term "emergency situation" is defined as any situation where a human being has been bitten or otherwise physically injured by a dog.
3. The City agrees to pay the County \$20 for each instance in which the Warden responds to a request for services initiated by the Liason and said response does not result in a dog being impounded. For the purpose of this agreement, the term "response" means any situation in which the Animal Control Warden travels to a municipality at the behest of the Liason. This fee will be waived if the response is in regard to an "emergency situation" as defined in paragraph two (2).
4. The City agrees to pay the County \$40 per canine for the catching, transporting, and impounding of said canine and \$15 per each canine that is to be destroyed.
5. The County is to provide the City with a monthly billing statement for services rendered reflecting the fees listed in paragraphs three (3) and four (4).
6. It is agreed upon the parties that the Johnson County Animal Control Warden will cause to be destroyed any canine that has been impounded for seven (7) days and has not been redeemed by any person providing proof of ownership of said canine. The seven (7) day period will begin after either notice is sent to the

registered owner by the Warden or, in the cases where no registered owner is identified, upon the first day in which the canine is impounded. After the seven (7) day period has expired, the Warden will destroy the canine by lethal injection or by any other means authorized by law.

7. The County will assume all liability and responsibility for damages incurred by the Warden while performing the duties of Animal Control Warden, including any damages to personal property of others and any personal injuries sustained by the Warden.
8. This contract contains the entire agreement between the parties and may not be modified or amended except by written agreement executed by the County and the City. The signatures below acknowledge that this contract has been read in full and that a copy of this contract has been received by each board.

JOHNSON COUNTY COMMISIONERS

CITY OFFICIALS

LIASON'S NAME _____

PHONE NUMBER _____

VOTED NUMBER ONE!

THE SOUTHERN ILLINOIS SCOUT

A survey of Illinois welcome centers shows The Southern Illinois Scout is the most popular Southern Illinois tourism information publication. The Scout highlights special events, historical sites and attractions, wineries, recreational opportunities and much more.

You have a choice on how to utilize your valuable advertising dollars. The Scout offers you the best way to use your resources. If you want to share your message with vacationers and travelers, advertise in The Scout.

**THE 2020 SCOUT IS SCHEDULED TO BE AVAILABLE IN
JANUARY. THE SCOUT WILL BE AVAILABLE AT
ILLINOIS WELCOME CENTERS THROUGHOUT THE YEAR!**

Advertising Rates & Specifications

Ad will give you a full year of coverage. Advertising rates have remained the same for several years because we value your partnership in promoting tourism in Southern Illinois. The Scout is a full color publication with a larger coverage area than other competitors.

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1/2 Page 7 1/4" Wide by 4 1/2" Deep.....	\$435.00
1/4 Page 3 1/2" Wide by 4 1/2" Deep.....	\$225.00
1/8 Page 3 1/2" Wide by 2 1/8" Deep.....	\$150.00

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