

City of Kinmundy  
Regular Council Meeting  
October 10, 2024

**Call to order**-The regular meeting of the Kinmundy City Council was called to order by Mayor Angela Diss with the saying of the Pledge of Allegiance.

**Roll Call**-Council members present were Amy Davis, Emily Hassebrock and Gary Cooper. Council members Donna Smith, Corey Thompson and Curt Jones were absent.

**Approval of Bills and Minutes**-The motion was made by Emily Hassebrock and seconded by Amy Davis to approve the bills and minutes from the September meeting. Yays-Emily Hassebrock, Amy Davis and Gary Cooper. Nays-none. Motion carried.

**Public Recognition**-Joyce Myers, Sandy Walthes, Clayton Keen, Wesley West, Sandy West.

Ms. Walthes inquired about the neighborhood watch she asked the council to consider last month. Mayor Diss is still researching with the attorney on the legalities and will get back to her when she has more information.

Mr. Keen-Mr. Keen stated he has received another ticket regarding his property. He contends that what the city is talking about is between the sidewalk and the street, and that the city owns that property; therefore, he feels he is not obligated to maintain it. He demanded several times that the city to take him to court and let the judge decide and he will represent himself with his deed and abstract. He feels that the Mayor is pushing this ordinance but acknowledges that it has been on the books forever. Mayor Diss stated that she or the council is aware of what tickets are being written. Chief Duffy was hired to enforce the ordinances and is doing what he was hired to do. He states that in most places, the homeowner owns to the middle of the road, but here, there was an easement given. So, once homes are built and utilities run, the city takes ownership of the addition. Mayor Diss emphasized that she does not tell Chief Duffy to write abatement notices or tickets to anyone. He has a copy of the ordinance and it is his job to enforce them. He argued that she is his boss, and the city council is her boss so it can be changed. Mayor Diss said that our

attorney says that we have an easement, but the homeowner must maintain the property. When showed photos of the property in question that Officer Duffy had taken, he said, "When they pay taxes on the property, he will listen." Mr. Keen contends that he can mow the property if he decides he wants to. Mr. Keen stated that "The City will not tell him when he has to mow his yard". He has a tree laying and has started cutting it up. He feels there are other places in the town such as the place between the railroad and the Lions Field, it is grown in brush now, but he remembers when it was a strawberry patch.

Mr. West-Mr. West began his discussion asking how much money the city has spent on his \$300? He says his deposit for his water (that is now shut off) has not been returned as his brother lives there. He expects the Kinmundy police officer to do his job. He called Illinois State Police to get action.

Chief Joe Duffy was unaware of who Mr. West was referring to, so he informed him that Wally West is his brother. As Chief Duffy began to comment, Mr. West said, "I'm talking, this is my 5 minutes, Sir, shut the fuck up." Officer Duffy responded, "You addressed me." Chief Duffy told Mr. West that he was done, and he needed to leave. Mr. West said he was not leaving and that his 5 minutes weren't up. Mr. West contends that there is a conspiracy in the paperwork he received from our attorney with the motive to put a lien on his property and take it away. Mayor Diss replied that the attorney sent him what he requested per FOIA (Freedom of Information Act). Mayor Diss informed Mr. West that this is an ongoing legal matter and his attorney needed to contact our attorney. He stated "I fired my lawyer." Mayor Diss responded that he could talk to our attorney and since he said he was going to court tomorrow, he could talk to her about it then. Mr. West said, "I've already been found guilty, I'm paying my fine tomorrow." As Mr. West insisted that the city will not be taking his property or his brother's property, Mayor Diss responded that "We want it cleaned up."

Mr. West also took issue with the tree that is currently laying in the front yard. According to Mr. West, a different one fell while Jane Middleton was Mayor and the City cleaned that one up. He claimed that the trees died because of the digging that was done when the City put in the new water

system. He says he has emails from Mayor Middleton to confirm that the trees were the City's responsibility and would be cleaned up, so he wants to know why we haven't cleaned up our trees? Mayor Diss will question Ms. Middleton on this issue. She asked Mr. West to forward those emails, and she will share with the council.

Mr. West claimed he pressed charges against Kristen West, his brother's wife because she made the mess in the yard by dragging all the stuff out and burning it. On a visit to Kinmundy he spoke with the officer prior to Chief Duffy (Kevin Barry). He contends that the officer "grabbed his gun like he was scared of me in the City Hall." Mr. West alleges the officer said, "How would you feel if your property burnt down?" Mr. West alleges he said it three times. He called the Illinois State Police and told them, "If my property burnt down, two days later, he writes tickets to my wife that has no bearing to this property on your order because that's what he said."

Mayor Diss responded that she was the one who wrote the first abatement notice and that all the council is asking for is the property to be cleaned up. Mr. West said that when Jane Middleton was mayor, she would call him, and he'd send someone over to do it. He says that when he has sent people over, it's a whole big ordeal with his brother living there. He was reminded by Mayor Diss that we are under legal obligation not to speak of this issue with him.

Mr. West wanted Chief Duffy censured for not doing his orders. He will be calling Illinois State Police over his dereliction of his duties. "If him or you (pointing to Mayor Diss) step foot on my property, I want it trespassed unless he's under legal obligation. Mayor Diss thanked him for coming in. Mr. West responded, "You, (pointing to the council) are her boss for another 6 months cause she's losing her election next time." He said to Chief Duffy on his way out, "Smile, Asshole."

Mayor Diss informed the council again that we cannot address this with him and that it goes much deeper than that. She also noted following Mr. West's exit that the Illinois State Police notified her and his accusations against the previous officer were unfounded. She also noted that the validity of his claims would be looked into and reported to council. She also questioned Chief Duffy on his accusations of him not doing his duty when

he called. He reported that he had been called one time and he did respond to his call.

**Library Report-** Amy Davis gave the library report. She reported a general attendance total of 227 patrons: 182 in attendance, and 45 for computers. In circulation-401 went out, and 61 were received. Labor Day sales brought in \$510, Log Cabin Village sale-\$359 (due to rainy weather), additional deposits of \$239 for a total of \$1104.73. Labor Day in detail; 341 total, 86 children and 255 adults. Log Cabin Village detail-357 total; 60 children and 297 adults. They are also beginning a children's program with book readings and holiday crafts. It will start October 17-April 17 every third Thursday of each month from 5:30 pm to 6:30 pm. Drinks and snacks will be available, and all children must be accompanied by an adult. They are also still working with the Methodist Church on their grant.

**Police Report-** Chief Joe Duffy-Chief Duffy reported that he worked in Alma 41 hours and issued 5 citations, 12 ordinance violations, 6 service calls and 1 arrest. In Kinmundy, he's had 2 adult arrests, 2 warrant arrests, 1 juvenile arrest, 6 service calls, 12 citations, 7 abatements (4 citations issued). He gave one person an extension due to the damage in the yard from storms. He gave him until November due to the severity of the damage.

Mayor Diss stated that she wanted the abatement procedure to be made clear. If Chief Duffy feels someone is in violation of a City ordinance he writes them an abatement notice and they have 10 days to correct the problem before a ticket is issued. Anytime in those 10 days, if they start working on it and showing improvement, they do not get a ticket. If they make an effort there will not be a ticket written. Chief Duffy writes it on the notice. The only way they get a ticket is if they do absolutely nothing. He writes on the back the date he took the picture and usually between the time he takes the picture to the abatement sent is approximately 30 days. If the ticket is not paid and/or the problem not taken care of, he turns it over to the Mayor or Council to send it to the City Attorney.

**Water Report-** Travis Potter- Travis Potter informed the council that the company that was hired to install the mixer in the water tower has offered to do a free tower inspection. Travis and the council agreed to move

forward with scheduling the inspection. Gateway will be adding the free chlorine on November 8<sup>th</sup> and flushing hydrants. He advised not to launder whites at that time. A notice will be sent by Teresa Hanks prior to that time.

**Street Report**-Luke Smith-Repairs are finished at the downtown building just waiting on drywall.

### Committee Reports

Water/Sewer/Streets-none

Personnel-none

Library/Police-none

### Mayor's Report

Event Ordinance-Our insurance company has advised us to adopt an event ordinance that requires permits to be issued for any event involving closing streets, and to get a date on our calendar to avoid any confusion. They are free and only take a phone call to City Hall to complete. The motion was made by Gary Cooper and seconded by Amy Davis to approve Ordinance #689. An Ordinance Regulating Special Event Within the City of Kinmundy, Illinois. Yays-Emily Hassebrock, Amy Davis and Gary Cooper. Nays-none. Motion carried.

**Executive Session**-Gary Cooper made the motion and Emily Hassebrock seconded to move into Executive Session for the purpose of consideration of the following subjects, pursuant to 5 ILCS 120/2 © (1); Personnel-Section 2 ©; Purchase or Lease of Real estate-Section 2 © (5); © (6);; and Review of Executive Session Minutes – Section 2 © (21)" Yays-Emily Hassebrock, Amy Davis and Gary Cooper. Nays-none. Motion carried.

The motion was made by Amy Davis and seconded by Emily Hassebrock to return to the regular session from executive session. Yays-Emily Hassebrock, Amy Davis and Gary Cooper. Nays-none. Motion carried.

**Adjourn**-The motion was made by Amy Davis and seconded by Emily Hassebrock to adjourn. Yays-Emily Hassebrock, Amy Davis and Gary Cooper. Nays-none. Motion carried. 9:10 pm

Respectfully admitted,

*Cindy Garrett*

Cindy Garrett

City Clerk