

**City of Westwood, Kansas  
Special City Council Meeting  
January 17, 2024 – 7:00 p.m.**

Council Present: David E. Waters, Mayor  
Andrew Buckman, Councilmember  
Jeff Harris, Council President  
Jason Hannaman, Councilmember  
Laura Steele, Councilmember  
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, City Administrator  
Ryan Denk, City Attorney  
Abby Schneewis, City Clerk

**Call to Order**

Mayor Waters called the meeting to order at 7:00 p.m. on January 17, 2024. The City Clerk called the roll. A quorum was present. The evening's meeting was held in a hybrid manner, with attendees joining both in person and via Zoom.

The purpose of the evening's Special City Council meeting was to hold an executive session for legal matters related to petitions, to consider a Resolution relating to the determination by the City Council of the validity of the petitions received by the City Clerk on December 12, 2023, and to authorize appropriate proceedings under Kansas Statutes related to the same.

**Approval of Agenda**

Motion by Councilmember Hannaman to approve the January 17, 2024 Special City Council meeting agenda as submitted. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

**Executive Session**

**Consultation with the City Attorney on matters relating to that property located at and around 5000 Rainbow Blvd. which would be deemed privileged in the attorney client relationship under K.S.A. 75-1319(b)2**

Motion by Councilmember Hannaman to recess into Executive Session for 30 minutes for consultation with the City Attorney on matters relating to real property located at and around 5000 Rainbow Blvd. which would be deemed privileged in the attorney-client relationship under K.S.A. 75-4319(b)2 present will be the members of the Governing Body, the City Administrator, and the City Attorney for, the regular meeting will resume at 7:32 p.m. Second by Councilmember Buckman. Motion carried by a unanimous voice vote.

At 7:32 p.m. the Governing Body returned to the dais. Mayor Waters announced no actions were taken during Executive Session.

**New Business**

**Consider Resolution 125-2024 relating to a determination by the city council on the validity of the petition received by the city Clerk on December 12, 2023 relating to city owned property located at 5000 Rainbow Blvd.**

Mr. Denk presented proposed Resolution 125-2024 in great detail.

Councilmember Harris asked if the petition was hand delivered to the City Clerk. Ms. Herring confirmed that it was hand delivered on December 12, 2023, directly to Ms. Schneweis by Todd Hauser, Esq.

Councilmember Harris asked Mr. Denk if the Governing Body would put the City in legal jeopardy if it were to change the language from the petition in any way to place it on an election ballot. Mr. Denk confirmed that it would.

Councilmember Hannaman said the big roadblock for the petition is the City does not have a question to place on a ballot, and the City does not have the ability to create a question. Mr. Denk confirmed this was correct.

Mr. Denk said the Kansas Constitution limits the ability of cities to hold a referendum vote. Kansas cities can only hold a referendum vote when the Kansas Legislature gives specific authority to do so, and in the manner that the legislature gives them.

Motion by Councilmember Harris to approve Resolution 125-2024 determining and declaring the petition filed with the City Clerk on December 12, 2023 relating to City owned property at 5000 Rainbow Boulevard invalid based upon the findings of fact included in such resolution. Second by Councilmember Wimer. The City Clerk conducted a roll call vote. Motion passed with a 5-0 vote.

**Adjournment**

Motion by Councilmember Steele to adjourn the meeting. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote. The meeting was adjourned at 7:50 p.m.

APPROVED: \_\_\_\_\_  
David E. Waters, Mayor

ATTEST: \_\_\_\_\_  
Abby Schneweis, City Clerk