

Petition to Require Retaining the Current Aquatics in Vavra Park, Merriam, Kansas or Replacing with Equivalent Outdoor Aquatics

We the undersigned qualified and registered electors in the City of Merriam, Kansas, request, pursuant to K.S.A. 12-3013 that the governing body of Merriam, Kansas shall pass the following Ordinance within 20 days without alteration, or call a special election unless a regular city election is to be held within 90 days thereafter, and at such special or regular city election submit the Ordinance, without alteration, to the vote of the electors of the City of Merriam, Kansas. If the proposed Ordinance is submitted to a vote of the electors, the question to submit shall be:

Shall the following be adopted?

ORDINANCE NO. \_\_\_\_\_ An Ordinance to retain the current outdoor aquatics in Vavra Park, Merriam, Kansas or replace with equivalent outdoor aquatics. Be it ordained by the Governing Body of the City of Merriam, Kansas:

**Whereas** the City proposed the construction of a new Community Center and Aquatic Center with every indication expressed of providing a "newer, better" facility in the information released prior to the Public Vote on September 15, 2017 to finance the project; and

**Whereas** residents reasonably interpreted the proposed new outdoor aquatics facility to be a replacement similar in size and function in comparison to the existing Merriam Aquatic Center (MAC); and

**Whereas** no mention was made to the public or the Governing Body of the City about the decision made by City staff to significantly downsize the new outdoor aquatics design from the existing outdoor aquatics facility until 10 months after the Public Vote was passed by voters to approve a new Community Center and Aquatic Center (and the contract therein entered); and

**Whereas** after the project finance Public Vote, the City invited the Johnson County Public Library to re-locate the Antioch Branch from its current location at the corner of Antioch Road and Shawnee Mission Parkway to the new community Center campus at Vavra Park, offering Johnson County the land upon which to build a new library at essentially no cost, payment of site preparation costs, payment of site design costs, and payment of \$5 million to construct a parking structure now necessary to accommodate the additional vehicles at the site resulting from the library's proposed presence; and

**Whereas** the presence of the new library on the Vavra Park site and the expressed requirements of Johnson County in order to agree to the co-location has created some site constraints affecting the feasibility and cost of design options for the outdoor aquatics that would be otherwise possible;

Now therefore be it ordained by the Governing Body of the City of Merriam, Kansas that:

The City will construct the replacement outdoor aquatics to be substantially the same in size and function as the existing outdoor pool facilities at the MAC or renovate the MAC to achieve this end; and

A panel of five Merriam residents be appointed to serve on a new independent blue ribbon panel of Merriam stakeholders be named as the Design Review Committee to review and consider alternative design options that closely meet the goals of the 2017 Parks and Recreation Facilities Plan or are similar to the current design of the Merriam Aquatics Center;

i. With the members of the new Design Review Committee required to demonstrate professional or other significant expertise in one of the following areas: aquatics, architecture, engineering, construction, project management, or project finance;

ii. And with the selection made from statements of relevant qualifications submitted to the City 30 days after passage of this ordinance.

iii. Each member of the new Committee shall be approved by a majority of the City Council, one selection at a time, until the five positions are filled from the pool of candidates.

iv. Members of the Governing Body with conflicts of interests concerning the design process and desired outcomes, through direct or familial participation in decision making roles for other interested parties in this new Community Center and Aquatic Center project or the proposed Johnson County Library co-location project on the Vavra Park campus, must recuse themselves from the votes on the makeup of the Design Review Committee.

v. A duly selected Design Review Committee shall be provided with the necessary access to the design-build team resources to adequately explore alternative designs with the City providing additional funding up to \$300,000 for this work.

vi. Until a satisfactory new design has been recommended by a majority of the Design Review Committee and approved by the Governing Body, the City will suspend all physical site activities including demolition of the Merriam Aquatic Center.

This ordinance passed by the Merriam City Council the \_\_\_ day of \_\_\_\_\_, 20\_\_ . Approved and signed by the Mayor on the \_\_\_ day of \_\_\_\_\_, 20\_\_ . \_\_\_\_\_ Ken Sissom, Mayor. (Seal)

\_\_\_\_\_ Attest: \_\_\_\_\_ Juliana Pinnick, City Clerk. The undersigned, City Clerk of the City of Merriam, Kansas, does hereby certify that the above and foregoing is a true copy of Ordinance No. \_\_\_ of the City of Merriam, Kansas, and of the statement of the manner of adoption thereof. The ordinance will take effect the \_\_\_ day of \_\_\_\_\_, 20\_\_ .

I have personally read the proposed Ordinance contained on page one and on this page of this petition. I have personally signed this petition. I am a registered elector of the state of Kansas and of the City of Merriam and my residence address is correctly written after my name.

Date	Print Name	Signature	Residential Address (Number and Street)

I have personally read the proposed Ordinance contained on page one and on page two of this petition. I have personally signed this petition. I am a registered elector of the state of Kansas and of the City of Merriam and my residence address is correctly written after my name.

Date	Print Name	Signature	Residential Address (Number and Street)

I am the circulator of this petition and I am qualified to circulate this petition and I personally witnessed the signing of the petition by each person whose name appears thereon. I believe the statements therein and that each signature is the genuine signature of the person whose name it purports to be.

\_\_\_\_\_ (Signature of person circulating petition) \_\_\_\_\_

(Residence Address of Circulator)

The Notary certification complies with K.S.A 12-3013(a), 25-3602(b)(4), 25-3608 and 53-501

State of \_\_\_\_\_ County of \_\_\_\_\_ Signed or attested before me on  
\_\_\_\_\_ (Date)

by \_\_\_\_\_

Name of person

Signature of notarial officer

Title (and Rank)

My appointment expires: \_\_\_\_\_ Seal if any