

MERRIAM DRAINAGE DISTRICT
OF JOHNSON COUNTY, KANSAS
MONTHLY BOARD MEETING
October 2, 2023

The regular monthly meeting of the Merriam Drainage District of Johnson County, Kansas, was called to order at 7:00 P.M. by Mr. Jackson at Higdon & Hale 6310 Lamar Ave #110, Overland Park, KS.

Eric Jackson, Chairman
Dan Leap, Secretary
Jeff Weisbender, Treasurer

James Orr, Attorney
Steve Roth, Engineer
John Martin, CPA
Rebecca Heatwole
Guests: Jason Silvers

Mr. Jackson requested the following changes be made:

- a) Remove “virtually” from the budget hearing minutes as the meeting was held in person.
- b) Mr. Jackson made the motion to pay the bills not Mr. Leap; he seconded the motion.

A motion was made to approve the board meeting minutes of August 7, 2023, as amended by Mr. Jackson; seconded by Mr. Leap; unanimously approved.

1) Engineering Report:

- Mr. Roth reviewed the responses from Catch-It Wildlife and Pest Control. They will be using live cage traps that are 10x12x20 inches in size. The fees are as follows: setting up all traps, \$600; animal removal, \$100/animal; fee for damaged or stolen trap, \$100/trap. Traps will be checked daily; all domesticated animals will be removed automatically. Mr. Roth will request that all non-domestic animals be removed. They carry a \$1M liability insurance policy and are willing to provide a copy of their certificate to MDD. Mr. Orr would like to see that MDD is listed as an additional insured on their policy. Mr. Roth informed that he will reach out and notify the City Engineer and Parks and Rec Staff regarding the traps. He will discuss with Catch-It about identifying their traps. Mr. Roth will continue to be Catch-It’s point of contact. After a general discussion, Mr. Weisbender made a motion to approve Catch-It Wildlife and Pest Control for ground hog removal along the creek pending their certificate of insurance with MDD listed as an insured; seconded by Mr. Leap; unanimously approved.
- The Corps of Engineers held a conceptual design meeting which included the City of Merriam, Johnson County Wastewater, and Johnson County Planners. The purpose of the meeting was to review the previous plan from 10 years ago and talk through designs. Property surveys are still being completed; Mr. Roth will request copies once they are finished. During the meeting, several plans were discussed but they won’t be able to decide on a concept until Johnson County receives the model from Startech, the company looking all of Turkey Creek within Johnson County. The results of this model will tell how high the walls or earthen berms need to be for the project to be certified w/ 100 years of protection. County should be able to get City of Merriam their information by the end of this month. COE will not start the actual design phase until the beginning of 2024. Mr. Roth mentioned that he spoke with the City Engineer, he seemed interested in the Memorandum of Understanding.

2) Attorney Report:

- Mr. Orr discussed the email exchange with the City of Merriam regarding the Memorandum of Understanding (MOU). In which the City Administrator, Chris Engel, said he would be happy to reconsider something similar to this agreement when all three members of the Merriam Drainage District show up at a City Council meeting and

personally request the City consider doing so. This would violate the Open Meetings Act for all three of the board members to meet regarding MDD business, thus it is not possible. There was no explanation why the MOU is opposed, but Mr. Orr said it is up to the City to make the next move.

- Mr. Leap suggested Mr. Roth reach out to Bob Pape, Mayor of Merriam, to inform him of the situation and seek support if Mr. Roth sees fit.
 - Mr. Orr reached out to a few banks for MDD. Community First was not interested in making a proposal; US Bank never returned his call. He received two proposals: First Interstate Bank offered 4.5% interest locked in for 6 months and Crossfirst Bank offered 4.06% interest. Both banks are able to meet the necessary criteria. After a general discussion Mr Jackson made a motion to move from Southern Bank of Chillicothe to First Interstate Bank; seconded by Mr. Leap; unanimously approved.
- 3) Accountant Report:
- Mr. Martin was not able to provide 3rd Quarter review as the meeting was too close to the end of the quarter; he will have the information at the next meeting. He doesn't expect there to be any issues unless there is something unforeseen that happens.
- 4) Mr. Jackson made a motion to approve the bills as presented for payment; seconded by Mr. Weisbender; unanimously approved. Mr. Weisbender made a motion to ratify all checks signed in September; seconded by Mr. Leap; unanimously approved.
- 5) Mr. Leap requested a change to meeting schedule when the normal meeting day lands on a holiday. He would like to see the meeting moved to the following Monday instead of the next day. Mr. Orr informed that the KS Statute requires the meeting to be held on the next business day following the regular scheduled meeting.

There being no further business, a motion to adjourn at 7:38 P.M. was made by Mr. Jackson; seconded by Mr. Leap; unanimously approved.

cc: Board and staff

Respectfully submitted,
Rebecca Heatwole
Recording Secretary