

MERRIAM DRAINAGE DISTRICT
OF JOHNSON COUNTY, KANSAS
MONTHLY BOARD MEETING
May 4, 2026

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

John Martin, CPA
Jim Orr, Attorney
Rebecca Heatwole, Reporting Secretary

Guests: Derek Rieke, Max Rieke and Sons
Jeff Fraiser, Max Rieke and Sons

A motion was made by Mr. Jackson to approve the meeting minutes of April 6, 2026 as written; seconded by Mr. Leap; unanimously passed.

1) Engineering Report:

- Mr. Roth informed the board that Catch-It submitted their invoice for the capture of 7 groundhogs. Traps were moved over near the concrete flume, but traps have now been removed since they were found empty multiple times. Mr. Wiesbender mentioned there is a burrow in the rocks near Campbell Park where 2 – 3 groundhogs have been seen. Mr. Roth informed they won't be able to place traps in this area until the greenery grows to hide the traps, this might be possible during the Summer. Mr. Roth will notify the City of Merriam that the traps have been removed.
- Mr. Roth received the property buy list from the COE property manager and shared it with Mr. Leap who questioned why his property is on the list. Mr. Roth said that his property showed up on the 65% Design Plan but may not end up in the final project. COE does have previous funding, but they did not submit anything on the PACR. Mr. Roth said that COE has discussed doing the work in parts as well; however, right now they are waiting on the City of Merriam to finalize their Downtown Plan. It is unknown if the City of Merriam has received a copy of the 65% Design Plan.

2) Attorney Report:

- Mr. Orr informed the board that they have been invited to attend the Steering Committee meetings for the Downtown Plan. Mr. Orr reminded the board that if two board members attend these meetings MDD might be in violation of the open meetings statute. After a general discussion, Mr. Leap made a motion to publish the 3 remaining Steering Committee meetings as MDD board meetings; seconded by Mr. Wiesbender; unanimously approved.
- Mr. Orr provided the board with questions to consider regarding the downtown master plan; he also encouraged the board to submit additional questions to him. Mr. Roth was able to answer a few of these questions during the meeting:
 - a) Is there an expectation that the Merriam Drainage District will maintain any of the new infrastructure after the Corps project is in place? Once the COE project is complete the City of Merriam will cede the responsibility of maintaining the improvements to MDD.
 1. Mr. Martin mentioned it will be difficult to budget for the maintenance until the design is complete. He also mentioned that MDD will need to be aware that the city purchasing properties will cause an erosion of tax basis. Maintenance may not be doable at all if the cost exceeds the taxing limits.
 2. Mr. Martin mentioned that MDD should be proactive in requesting payment in lieu of taxes due to massive TIF. City must force the tax on development otherwise it shifts to other tax payers.

- b) What are the consequences downstream of the proposed flood control plans?
 1. Mr. Roth directly asked the COE, and they said there are no downstream consequences.
 - c) How will any flood control changes or redevelopment of the Downtown area address the flooding history of the railroad bridge?
 1. Mr. Roth said this should be answered with information about the downstream consequences.
 2. The board questioned if the railroad is required to pay for the debris removal under their bridge. Mr. Roth said it was unlikely they would pay for debris to be removed unless it compromises the integrity of the bridge.
 - d) To what extent is the Corps addressing the additional sources of water flowing into the creek?
 1. Mr. Roth said they are not. This is outside the purview and thus is not included in the project.
 - e) Are issues of the sanitary sewers being considered?
 1. Overload causes overflow to run into the creek. Johnson County Wastewater is aware of this. They have advanced their own Capital project of creating a holding area to help with overflow in the creek. Mr. Orr mentioned this was a problem when he began working with the MDD and is still an issue a decade later.
- The City of Merriam would like for MDD Board to meet with Shockey Consultants as they gather information. Mr. Orr will try to schedule the consultant to come to the June board meeting to speak with the board.
- 3) Accountant Report:
- Mr. Martin mentioned that the 2027 Budget will be a topic for June meeting.
- 4) Max Rieke addressed the board to discuss the overages and the errors on the previous invoice:
- Mr. Jeff Fraiser, Max Rieke, apologized to the board for exceeding quote. He informed the board that there were a lot of moving parts and trucks to keep track of the excess. MDD was not informed of the overage because he didn't realize they had gone over. In the future they will survey to be better at estimating quantities.
 - Mr. Derek Rieke explained that the invoice was incorrect because the accountant, who was no longer working for the company, billed the incorrect hourly amount for labor. Rieke presented and invoice for the overage that was higher (\$18,375.95) than the previous invoice (\$17,596.87) though a discount of the removal of profit was supposed to have been added. Mr. Rieke said this was due to the correction of the labor charges on the original invoice.
 - There was a general discussion regarding the billing and a final determination that MDD would pay the quoted amount \$65,905.00 and 50% of the original overage invoice of \$17,595.87. Mr. Jackson made a motion to pay Rieke \$74,705.00; seconded by Mr. Leap; unanimously approved.
- 5) Mr. Jackson made a motion to approve remaining bills as presented; seconded by Mr. Leap; unanimously approved.

There being no further business, a motion to adjourn the meeting at 8:44 P.M. was made by Mr. Jackson; seconded by Mr. Leap; unanimously passed.

cc: Board and staff

Respectfully submitted,
Rebecca Heatwole
Recording Secretary