

MERRIAM DRAINAGE DISTRICT
OF JOHNSON COUNTY, KANSAS
MONTHLY BOARD MEETING
June 1, 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
Steve Roth, Engineer
Rebecca Heatwole, Reporting Secretary

Guests: Cara Elbert, Shockey Consulting
Scout Frame, Shockey Consulting
Jason Silvers
Billy Croan

A motion was made by Mr. Jackson to approve the meeting minutes of May 4, 2026 as written; seconded by Mr. Leap; unanimously passed.

1) Engineering Report:

- Mr. Roth sent the board a link to download the COE Design Plan which is now being considered the 50% plan. Mr. Roth has not finished looking through the plan and has not yet provided comments to the City of Merriam. He mainly looked at:
 - a) Property Removals – They seem to be the same as the previous submittal.
 - b) Access to the Creek – So that MDD can continue with maintenance.
 - c) Waterfall S. of Johnson Drive to see if they have planned anything to stabilize that area. COE has not added anything to address the stability of the waterfall in their plan. Mr. Roth mentioned this is something MDD will want to look at for the 2027 Budget. Mr. Jackson asked if it was made known to the COE that MDD would appreciate any contribution to the cost of the stabilization, Mr. Roth has not asked them about this. Mr. Roth mentioned he has not received a reply to his email asking the project manager how the COE improvements will impact areas downstream.

Mr. Leap confirmed that the COE project stops just downstream of the Merriam Drive Bridge. In 2025, the historical area didn't flood, the flooding occurred north of this area near the railroad bridge. Mr. Leap believes the railroad bridge is the bottleneck and would like Mr. Roth to address this with the COE.

- Mr. Roth provided the board with his maintenance plan for 2027 Budget. This will be similar to last year but doesn't include wall repairs:
 - a) Hole Repairs - \$12,000.00 - This has been reduced because removing the groundhogs has reduced the number of holes.
 - b) Groundhog Capture - \$2,500.00
 - c) Clean Ditch Along the Trail - \$5,000.00 – Section between Johnson Drive and Werner Park.

Clearing trees and spraying have been removed for this year as much of this was done this year and Mr. Roth believes it can wait until next year.

Mr. Jackson questioned if the section north of Campbell Park would be factored into the 2027 CIP. Mr. Roth said he would need to sit down with their structural engineer to come up with a cost estimate. Mr. Martin mentioned we have plenty of budget authority in the 2026 and 2027 budget to cover these expenses.

2) Attorney Report:

- Nothing to report

3) Accountant Report:

- Mr. Martin mentioned that the Revenue Neutral Rate (RNR) should be received by June 15, 2026, and we'll know what the dollar amount is going to be. Mr. Martin mentioned that legislation hasn't made any changes to the budget laws. Mr. Martin advised the board that there is one thing to consider, that the RNR doesn't account for inflation. He mentioned that MDD has been flat on their revenue for the last 4 – 5 years and some point this will start to get behind. Since MDD hasn't done many projects over the last few years, there is plenty of carryover and budget authority now, but at some point MDD will fall behind because of inflation.
- For the July meeting, MDD will have a preliminary budget and need to come away with a mil levee & whether or not MDD will exceed the RNR or stay the same. The budget hearing notice must be published 10 days prior to our budget hearing on August 5, 2026. If MDD decides to exceed the RNR then there are different state guidelines that will apply.

4) Mr. Jackson made a motion to approve remaining bills as presented; seconded by Mr. Leap; unanimously approved.

5) Shockey Consulting informed the board that everything they say today is non-attributed, which means that everything that they hear is going to help inform their analysis, but they won't be attaching any names. Cara Elberts mentioned that nothing has been decided at this point; they are just listening. After introductions questions began.

1. But what are things that bring you downtown today currently? And then thinking about the role of downtown, how does it play in your life, in your work? So I've heard a little bit about that. Does anyone kind of want to expand upon that? You wouldn't mind?

- a. Mr. Leap: "Johnson County repair is where I get my car fixed. True Auto Parts is where I buy auto parts, if I need to fix it myself. Terrahumara's got the best Mexican food right there and Strips is good for chicken. Mr. Leap owns Guitar Lamp and has been in his location for twenty-six years. His parents own the building across the street and we rent it to a girl that makes t-shirts and sells home stuff.
- b. Mr. Martin: "I don't have anything directly there other than I've got several clients that I serve that have businesses along Merriam Drive down there and Merriam Lane that would be significantly impacted by this and their locations of what happens there."
- c. Mr. Weisbender: "I go use True Auto Parts as well when I need stuff for cars. Mustangs and More, I've had to do some work on my car. Total Comfort, the HVAC company there, that Dan's family owns. That the building is no longer Total Comfort, but the business is viable. And then of course, a couple of restaurants there, but my question is, I kind of think a little more attention should be put on the railroad crossing and the railroad bridge than the downtown area. The railroad crossing affects tens of thousands of people every day with the backing up of traffic. And I mean, there's times where it's all the way up to the top of the hill at Johnson Drive and all the way past Antioch when you get the double train. Sometimes a train goes by and there's a 30 second break and another train goes the other way; you're stuck there for 10 minutes or 15 minutes in rush hour traffic. There's got to be a better solution than that in 2026. I think a lot more attention should be focused on that than a potential flood problem that would affect a few 100 people maybe. That really isn't the problem, where the problem is, is downstream, where the railroad bridge is, if I'm not mistaken. That's the pinch point, so I think maybe some more focus on that, something that affects tens of thousands of people on a daily basis. Versus again, my perceived lack of transparency on the true purpose for what they're wanting to do there." Mr. Roth confirmed for Mr. Wiesbender that the railroad bridge is a pinch point.

2. How would you describe downtown Merriam today? And what are the biggest changes that you've seen in recent years? And then there's kind of a couple follow up questions. What do you think works well? What's the first thing that you'd want to fix? Who or what drove these changes?
 - a. Mr. Weisbender: "There haven't really been any recent major changes that I have seen."
 - b. Mr. Roth: "Didn't they change the configuration where they had on street parking before?"
 - c. Mr. Leap: "Twenty-four years ago, there was two lanes going each way in the historic area. Then they narrowed it where there was one lane going each way and a turn lane."
 - d. Mr. Orr: "Johnson Drive Bridge was fixed 20 years ago in 2008 or 2010, post-recession. The only reason I'm saying that is that the City was in kind of a budget pinch and the Drainage District was able to join forces as a kind of joint venture to do some repairs on the footings of the bridge, which had an impact both on the property of the Drainage District and the integrity of the creek and the upper infrastructure, making sure the traffic could flow freely. I think the consensus it was not just a defensible, but a smart idea of pooling financial resources to achieve a mutually agreeable result. And those kinds of partnerships, if they're done properly, allow you to leverage financial resources, human resources, and they easily result in a good end product, but in one that is not even remotely politically controversial because it's so common sensical."
3. With the Community Center not being downtown anymore, how does that impact downtown?
 - a. Mr. Jackson: "I think there's pros and cons, but I am not sure what the area is going to be used for. Well, they do have a car show"
4. What do you all think downtown Merriam will look like in 10 years? Or what do you hope it'll look like in 10 years? What are things that you would like to see when you're downtown or hear when you're downtown that maybe you don't experience currently or who would be here that maybe isn't visiting downtown as it is?
 - a. Mr. Leap: "I'd like to see the historic part, Johnson Drive North to the Merriam Drive Bridge, or Merriam Hardware, you might say, stay pretty much the same. You know, all these other cities are tearing down old buildings to put up generic crap. I think the historic parts should stay the same. I also think that on your guys' survey, there's this and this, but there's no option to just leave it the same. I think your company needs to fix that because the survey is misleading the public."
 - b. Mr. Jackson: "I think you could probably improve flood mitigation. That's what our board is. We're not here to beautify."
 - c. Mr. Weisbender: "Sure. I think there's definitely room for some improvement, but like scrapping it and building a whole new downtown is not. In my opinion, I wouldn't want to see a bunch of over-under type stuff, you know, where business is on the bottom and apartments on the top. I think there's plenty of stuff you can do to beautify it and make it more inviting. And that would all depend on the businesses you can attract, because whatever you put in there, that's what's going to bring the people, right? Is it something that people want to do or a place they want to go? That's the hard question. What are you going to put in there to bring in people?"
5. Are there certain kinds of businesses that you think we should hopefully have in the future once this planning process is done?
 - a. Jeff Weisbender: "Everybody has to eat, restaurants are a good place to start. Attractions that people want, maybe something with some kind of live music, some kind of outdoor something. That seems to be the hot thing right now is some kind of outdoor event space. All the cities are putting those up and everybody is having live music during the week in the spring and summer months. Even the new one over here on Shawnee Mission Parkway has an outdoor event space, something like that. Summer parks arts program with a stage, you know, that could even be something they put

where the community center was. That kind of thing. But, you know, it just depends on what you put in there.”

6. What makes downtown Merriam different and distinct from other nearby communities? Are there places Merriam should look to for ideas? What should Merriam build on rather than copy? Why should people come intentionally downtown? What do we like about downtown and what do we need to or maybe what do we like about another downtown that we think would work really well in downtown area?
 - a. Mr. Jackson: “I like the access to the trail nearby; the trail gets used quite a bit by the community.”
 - b. Mr. Martin: “Downtown Shawnee, what they've done is try to incorporate their historic buildings and stuff in downtown area.”
7. Turkey Creek and flood risk are obviously major factors in downtown's future, in the downtown's future. How does this affect the way that you think about redevelopment and investment? Does flood risk feel like a major barrier or something that the community can work through? What would need to happen for you to feel confident about downtown's future?
 - a. Mr. Leap: “The railroad bridge down in Waterfall Park is a major concern. That’s where the area that flooded was way north of the historic area down the waterfall park by the railroad bridge. So that needs to be looked at before anything else. We can't do anything about it because the Railroad and I don't think the city can either. Somebody needs to be talking to the railroad.”
8. Do you have any context about like north of that bridge? What has been done in terms of work on the floodplain and how it's impacting further down?
 - a. Mr. Roth: “The Corps has completed a project in the last five years that went from the tunnel all the way through Wyandotte County, terminating just a little bit upstream of the drive-in theater. This section immediately adjacent to I-35, they haven't really done that much.”
9. If the City can focus on just a few actions or investments to move downtown forward, what do you all think that they should be? What would create visible momentum? What would make businesses, developers or residents feel more confident? And what tradeoffs should the City be thinking about when you're thinking about?
 - a. Mr. Orr: By investing, does it include incentive packages the City will offer? I think historically this board's been concerned about the city's aggressive use of tax increment financing and incentives that have an impact on our finances as well as other entities like the schools. I can recall some years ago now, working with the state on budget issues. I recall the representative from the state was kind of startled at the percentage of properties that were TIF'd. Whether a project has merit or not is not the issue. But the effect of whatever the city might do on other entities, I think is critically important to this entity and others.
 - b. Mr. Martin: “I am just kind of echoing on Jim's point here. We get the money from the properties in the Merriam Drainage District itself. It's not the City of Merriam as a whole. It's limited property numbers that affect that tax base. Jim's point is we look at what these tax incremental financings out of our couple \$100,000 a year in tax revenue, gross revenue, we have about \$40,000 that we never see because it goes to tax increment financing as a rebate it back to the developers. So as those increase, that shifts, I mean, we still need a certain amount of money. That need for that money doesn't go away. It shifts it from the businesses and the developers to all of the other property owners that are in the district that are not being TIF. When somebody gets a \$10,000 TIF, the city still needs that money, so that \$10,000 is then absorbed and passed on to the other property owners, so we can still have the same amount of money. Two things that we would look at: the TIF impact and the properties that are taken away for flood control, will dramatically decrease what our tax base is, as those go from entities paying taxes to, city-owned property that are exempt from taxes. My concern on

there is what are these long-term implications going to be? What is our tax base going to look like? And how much money is going to be required to maintain the creek as it is now, or if adding more expenses based upon what the projects are. While the overall revenue may not change, it's getting shifted to taxpayers that aren't tax abated, that aren't owned by the City and that could have a significant impact."

There was a general discussion, where it was noted that the TIF dollars offered as incentives will dramatically impact the way MDD budgets. For the last 5 years MDD has remained revenue neutral, but as the tax base decreases and the TIF dollars are offered, this will no longer be an option as the development may add even more maintenance cost for the district.

10. Mr. Leap is the only board member that owns property in Downtown Merriam, so the following questions were directed to him. Have you made improvements in recent years? Why or why not? And how has that influenced your decision? What's influenced your decision to reinvest in your property?
 - a. I just like nice stuff. So I put on a new roof and had all my stucco repaired, painted my building. To add the new roof, I had to have a deck ripped off. I have a bi-level roof, so there's a walkout deck and I built a new composite type deck. My building is one of the nicest ones down there.
11. How do you view your investment, or I guess we can even expand this, the drainage district's investments downtown. How do you view the investment outlook for downtown Merriam properties today? How much of the flood risk affect investment financing or any redevelopment decisions? What would increase your confidence in downtown investment.
 - a. Mr. Martin: "I would just say for some of my clients that are down there, they're making plans to leave because of the uncertainty. The uncertainty of what this project is, is driving their decisions to not invest in their businesses down there and looking to invest elsewhere. That stretch provides a tremendous amount of service businesses that are used daily by many people throughout the whole county and the whole metropolitan area. The auto service industries, what Dan's company does and everything else. What's being done to try to keep them there versus chasing them out?"
 - b. Mr. Roth: "It appears that the city already has in mind that they don't like what has been there. They had periodically gone along and purchased properties for the purpose of redevelopment, which tells me what was there, whether it was the historic nature, whether it was the businesses themselves, they thought they could do better."
12. Thinking about redevelopment interests, what types of redevelopment or interests do you think are realistic downtown, and what's currently holding any of those opportunities back? Is it really just focused on the floodplain and figuring out that, or what kind of projects do you think are most viable in terms of redevelopment downtown? Are there partnerships or incentives that would help make it feasible? Are developers or businesses showing interest in the area that you all are aware of? Do we think any certain type of redevelopment downtown is most realistic or what you all would want to see down there? I know we've talked about restaurants, event spaces. Is there anything else? Keeping the historic integrity of the buildings and renovating, that's kind of where you guys are thinking in terms of reinvestment and redevelopment. Am I missing anything?
 - a. Mr. Martin: "That stretch provides a tremendous amount of service businesses that are used daily by many people throughout the whole county and the whole metropolitan area. The auto service industries, what Dan's company does and everything else. And again, not having any property there, just speaking to clients who's got properties there, what's being done to try to keep them there versus chasing them out?"
 - b. Mr. Roth: "Standing on the outside, it appears that the city already has in mind that they don't like what has been there. They had periodically gone along and purchased properties for the purpose of redevelopment, which tells me what was there, whether it

was the historic nature, whether it was the businesses themselves, they thought they could do better.”

13. What's your read on the housing market or opportunity near downtown? Do you think there's demand for departments, apartments downtown, condos? What income levels do you think household types are most realistic given land values and flood constraints downtown? Do you think there's an opportunity for housing? Do you think there would be an interest?
 - a. Mr. Leap: “I think housing downtown is a bad idea. Okay. We don't want it to be more congested with more. Merriam Drive is already busy morning and evening rush hours. We have a quiet crossing at Johnson Drive, but the train engineers ignore it and blow their horn whether they're supposed to or not. Plus, it's loud, it just kind of shakes, shakes the whole area. It's just not a smart thing to put residents between the creek and the railroad tracks.”
 - b. Mr. Weisbender: “With the railroad crossing there, if you added an arbitrary number of 500 more cars or 100 or 200 more cars there every day trying to get home at 5:00pm when those trains come by, is going to make it even worse. I think the whole metro, everybody's trying to follow the fad of what's going on everywhere else in the country. I don't know if Kansas City is ready for that, or if the people really want that, or if it's just a thing where they're trying to push it through because it's what's hot right now. It's like bike lanes downtown, nobody uses those. There're not enough people on bikes to warrant losing a whole lane of major streets. You might get 50 people a day on Broadway that use it maybe, and you've lost a whole lane of traffic and a whole lane of parking because it's a fad to try to make it a bikeable city and that's a thing right now. I think they should think more about what the people want versus what the city wants.

There was a general discussion about the train whistles and the potential of elevating the train as was done in Olathe and other small towns. After which, Mr. Weisbender said, “I think they (city) could spend more effort on getting that (train crossing) taken care of, because again, that affects a lot more people than a potential flood that hasn't happened in almost 30 years. Again, that's not the pinch point, it's the railroad so it sounds like the railroad needs to get on board, figure out a way to figure that out.” Mr. Roth informed the board that Drainage Districts do have authority over the railroads, they are about the only entity that does.

 - c. Mr. Orr: “Personally, I think if there isn't an organic market for it, I'm not sure it's wise of the city to try and create one. That doesn't always work. If there is not already a demand for it, creating it doesn't work, unless of course you subsidize it dramatically, which is basically using somebody else's money to make it attractive. That carries political and economic difficulties.”
14. Are there other people that we should be talking to downtown that we may have missed that we didn't hear from yet?
 - a. Mr. Leap: “The DMP Group, Merriam Drainage District, City Council, and Merriam Citizens are really the only ones that should be on your list.”
15. If you had one message for the steering committee or the council about this downtown master planning process, what would that be?
 - a. Mr. Jackson, “I would say, don't get in a hurry. I think there needs to be further consideration on the kind of stuff you touched on.”
 - b. Mr. Weisbender: “Real time transparency with the people are going to be affected directly, and with the partners like us. We have a seem to have a hard time or the perception of getting information.”
 - c. Mr. Leap: “There should be more public input as far as I went to the first steering committee meeting that was held. There's no public input. I think there should probably be public input of because I brought a couple business owners to see and they couldn't voice their opinion.”
 - d. Mr. Orr: “Mr. Orr: “To reiterate what John and I both said and others, whatever takes place needs to be financially neutral to the other stakeholders or just community at

large. If the redevelopment in downtown Merriam sucks part of the lifeblood out of Shawnee Mission schools, you're shooting yourself in the foot. That the school district is why people move to this part of the world in the first place, in large measure, not entirely. To put it more directly on the drainage district, I think it'd be disappointing to have someone say, look at the swell stuff we did to the harm of the drainage district. Somebody else had to pay for it. That's a pretty easy decision, but not necessarily a good decision. So I think there needs to be kind of a fiscal impact thought taking place at all times."

- e. Mr. Roth: "The magnitude of the core project is substantial. I mean, and it is something that was in direct response to the event in 1998. The deluge caused problems all over the area. You were asking about residential areas, whether the flooding was a problem there, and my mind immediately went to the plaza. Like, flooding's a huge problem with the plaza, but that doesn't keep people from living down at the plaza or having businesses. It's my job to take care of all these problems, so I don't want to minimize them or say you never have to deal with them. But, if you were to provide \$30 million to the city and say, what's the best way to spend it would be building walls which close off the creek to any public access whatsoever, being the right decision, then I guess that's for others to decide, and I'll just maintain whatever's left. I kind of struggle with the magnitude, you know, it seems easy for people to spend federal dollars because there's not that mental attachment to your federal taxes that there is to raising the levy."

At the end Mr. Leap questioned why Scott Miller with Drake Development and Bob Johnson with what used to be the DDR development area, at the table helping to make decisions. Cara was not certain of the answer and informed Mr. Leap that she would pass along his concern.

There being no further business, a motion to adjourn the meeting at 8:19 P.M. was made by Mr. Jackson; seconded by Mr. Leap; unanimously passed.

cc: Board and staff

Respectfully submitted,
Rebecca Heatwole
Recording Secretary