

MERRIAM DRAINAGE DISTRICT
OF JOHNSON COUNTY, KANSAS
MONTHLY BOARD MEETING
September 8, 2026

The regular monthly meeting of the Merriam Drainage District of Johnson County, Kansas, was called to order at 7:21 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

Mr. Jackson made a motion to approve the budget as published with a mil levee of 1.208, just below the RNR and to certify it to the county clerk; seconded by Mr. Leap; unanimously approved.

There was a brief discussion wherein the following corrections to August 3, 2026 minutes were requested:

- Remove Ramp on to I-35 and I-35 Bridge from the first simulation title.
- Grammar: change “one” to “done”
- Add: “at Campbell Park” at the end of “grade control structures”
- Change: “would not be putting any oil or solvents into the creek” to “would not be testing for oil or solvents in the creek”

A motion was made to approve the minutes of August 3, 2026 as amended by Mr. Jackson; seconded by Mr. Leap; unanimously passed.

1) Engineering Report:

- Mr. Roth informed the board that there have been no updates on the COE Turkey Creek Project since the last meeting.
- Mr. Roth received a response from Kailey Jones (COE Project Manager) after the last meeting.
 - Q1: Will the improvements upstream of the Merriam Drive Bridge add to the flooding which occurs downstream at Waterfall Park?
 - A1: The Upper Turkey Creek FRM project could result in additional flooding downstream of the project area depending on the magnitude of the event.
 - More frequent events show no change to the flooding in Waterfall Park.
 - Less frequent events (100 year flood) show increases in depths of up to a half foot.
 - It should be noted that those properties that flooded before the project would continue to flood, but those that don’t flood will continue not to flood.
 - During a 100 year flood event, the depths of the water are short lived, lasting an estimated 15 – 45 minutes.
 - A large contributor to flooding in and around Waterfall Park is due to Brown’s Creek.
 - Mr. Jackson questioned if there is anything that could be done about changing the effect of Brown’s Creek. Mr. Roth doesn’t think so because the whole area is already developed.
 - Q2: Will the project increase flooding at Waterfall Park due to the restrictions of the BNSF bridge, KDOT bridges and the abrupt turn? There is concern that these act as a control for the hydraulics upstream and should be addressed prior to the area upstream of the Merriam Drive bridge.
 - A2: Without doing any modeling, I can say that replacing the BNSF bridge with a design that allows higher conveyance could help lessen the severity of flooding in this area, but likely only for extreme events such as the 2% AEP (1/50yr) or less frequent.

- This location would still be prone to flooding with or without the bridge. Turkey Creek channel will spill over into Waterfall Park and the surrounding businesses even before the low chord of the BNSF bridge deck gets loaded. This was likely the case for what happened July 2025. The park is generally about 3-5 feet lower than the low chord elevation of the railroad bridge. Within that range the only part of the bridge having any impact on the water surface elevation is the bridge piers. Which are likely not large contributors.
- A BNSF bridge replacement may help mitigate higher magnitude events marginally, but flooding would still occur in the Waterfall Park area due to the park being at a lower elevation than the (existing) bridge deck and flooding from Brown's Creek.
- Regarding your concern about the railroad bridge acting as a control point for the project upstream: Based on initial investigation this would not be an issue due to the steepness of Upper Turkey Creek. This will be investigated further as the project progresses.

There was a general discussion wherein it was discussed that the COE project looked at downtown but didn't focus downstream further. Mr. Roth doesn't remember if the COE recommended any improvements north of downtown in 2014. The appropriated funds were for the original plan so their plan won't include the part further downstream because that would require COE to go back to Congress. The COE project was a response to the 1998 flooding event, as they were asked to fix the flooding. The shape of the channel south of Waterfall Park is rectangular north it is more of a trapezoid, the creek bed south of Shawnee Mission Parkway is not as large and it floods more.

Mr. Leap provided the board with the three Merriam Downtown Design Plans that will be presented to the Steering Committee. Mr. Leap asked Mr. Roth if the COE plan will save most of Historic Downtown. Mr. Roth said that based on the 50% design plan it was designed to keep downtown.

- Plan A, keeps historic downtown and does not affect the channel.
- Plan B, HNTB's redevelopment plan, will affect the channel. The redevelopment will require them to go through the planning commission which will bring it to MDD.
 - What happens if MDD says not and the City says yes? If the City wants to modify the creek bed, they can't do it. Mr. Orr mentioned that MDD doesn't have an easement for the creek bed, MDD governs it.
- Plan C includes COE project and HNTB construction plan. Mr. Roth explained that this plan is using the COE's 2D model and are referring to it as the COE project due to the work along the channel, but the COE project was designed to save all the downtown buildings that are now marked as "Redevelop". If the COE wanted to take those buildings, they could have but they chose the concrete wall because buying the buildings was more expensive. Mr. Leap believes the cost of the project (\$247M) is misleading because Congress has only approved \$30M.

Mr. Orr has an issue with the liability of the plans as MDD is the sole governing body over Turkey Creek. He plans to keep an eye on the project to make sure everyone is aware of this. Mr. Orr is at a loss as to how the City of Merriam can do anything without MDD's consent since MDD will be required to maintain the creek once the projects are complete.

There was a general discussion wherein it was asked if Mr. Orr could write a letter to the City of Merriam informing them that any project that affects the creek falls under the KS Statute and MDD would welcome discussion but does have authority. Mr. Orr would like to invite cooperation if they want to do anything to the creek. After the discussion, Mr. Jackson made a motion to have legal counsel draft a letter to send to the City of Merriam legal counsel encouraging cooperation on any work to be done within the channel and to impress upon them the need to have MDD board approval to do any channel work; seconded by Mr. Leap; unanimously approved.

- Mr. Roth mentioned that he looked through the files and could not find a contract between Benesch and Merriam Drainage District. Before they engage a 3rd party, UES, to do geotechnical work, he would like to provide Mr. Orr Benesch's contract for review. Since Mr. Orr won't be at the October meeting, Mr. Roth will contact Mr. Orr to discuss it.

2) Attorney Report:

- Mr. Orr informed the board that the UMKC agreement is moving slowly since there are specific things that must be followed when there is an interlocal agreement. Mr. Orr told the board he thought there was relatively low risk. The draft agreement is very clear that it is for testing microplastics only, that they must clean up when they are finished, and they are liable for any damage they may cause. Mr. Jackson questioned how long this would be in place and Mr. Orr informed him that it was supposed to be done at the end of the year. The board had no concerns with this project moving forward.

3) Accountant Report:

- Mr. Martin provided details during the budget hearing. He did tell the board he would submit the budget through the portal.

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

There being no further business, a motion to adjourn the meeting at 8:42 P.M. was made by Mr. Jackson; seconded by Mr. Leap; unanimously passed.

cc: Board and staff

Respectfully submitted,
Rebecca Heatwole
Recording Secretary