

# MEETING MINUTES OF THE PUBLIC MEETING OF THE MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

Approved:  
May 07, 2019

Held April 02, 2019  
Public Meeting 4:00PM  
Mohave Valley Irrigation & Drainage District  
1460 E. Commercial Street, Mohave Valley, AZ 86440

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mohave Valley Irrigation and Drainage District and to the general public that the Mohave Valley Irrigation and Drainage District will hold a meeting open to the public on Tuesday, April 02, 2019 at 2:30pm at 1460 E. Commercial Street, Mohave Valley, AZ 86440. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) Items 2a and 2b, the Mohave Valley Irrigation & Drainage District may vote to go into executive session, which will not be open to the public, to discuss certain matters. The board will reconvene in Open Session beginning at 4:00 pm at the MVIDD district office.

If the public wishes to address the Board regarding Regular Agenda Items, they may fill out the Request to Speak Form located in the back of the room. The form should then be given to the General Manager of the Board prior to the meeting. The time limit rule of 3 minutes maximum will be enforced.

**CALL TO ORDER.** Chairman, Charles B. Sherrill, Jr., called the meeting to order at 2:35pm.

## 1. ROLL CALL.

Present: Charles B. Sherrill, Jr., Chairman/Director Division III  
Perry Muscelli, Treasurer/Director at Large  
John Kai, Jr., Director Division I  
Kerri Hatz, General Manager  
Michael J. Pearce, District Counsel

Telephone: Vince Vasquez, Director Division II

Absent: Clay Vanderslice, Director at Large: Joined meeting at 3:35pm.

**2. Consideration of Action to go into Executive Session of the Board for the following purposes:** Perry Muscelli made a motion to go into Executive Session, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vasquez – Y; Sherrill – Y.

### a.

Pursuant to A.R.S. §38-431.03(A)(3)(4) & (7), discussion and consultation with legal counsel of the District in order to consider legal questions on proposed Resolution 2019-01. The Board may decide to take action on the matter in the public meeting or defer decision to a later date. \*Item 8F

- b. Pursuant to A.R.S. §38-431.03(A)(3)(4) & (7), discussion and consultation with legal counsel of the District in order to consider legal questions on proposed abatement of Noxious Weeds, on Agricultural land, within the District's boundaries. The Board may decide to take action on the matter in the public meeting or defer decision to a later date. **\*Item 8G** Clay Vanderslice joined the meeting at 3:35pm. Perry Muscelli made a motion to adjourn executive session, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y. Executive session adjourned at 3:54pm.

*[The discussions and minutes of the executive session shall be kept confidential. The executive session of the Board is not open to the public.]*

3. **RECONVENE IN OPEN SESSION.** Perry Muscelli made a motion to reconvene in open session, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y. Meeting reconvened in open session at 4:07pm.
4. **PLEDGE OF ALLEGIANCE.** Perry Muscelli led the Pledge of Allegiance.
5. **WAIVER MOTION.** Motion to waive the reading of full minutes and resolutions presented for approval or adoption. Perry Muscelli made a motion to waive the reading of the full minutes and or resolutions presented for approval, John Kai, Jr., seconded the motion. Kai – Y; Muscelli – Y; Vanderslice – Y; Vasquez – Y; Sherrill – Y.
6. **AGENDA MODIFICATION.** Possible action to withdraw from, or move, any item on the Agenda. No action taken.
7. **REPORTS.**

Water:

- a. Staff report on District water use. Staff reported the District water use to date ending February 2019.
- b. Bureau of Reclamation Lower Colorado Water Supply Report. Staff reported current levels of Lake Mead and Lake Powell as well as the Upper Colorado Basin Snowpack.

Finances: Staff summarized the financial statements to the board.

- a. Profit & Loss Budget vs. Actual year to date July 1, 2018 thru February 28, 2019.
- b. Profit & Loss Statement for February 2019.
- c. Balance Sheet as of February 28, 2019.

**8. REGULAR AGENDA**

- A. **Approve the March 05, 2019 Regular Meeting Minutes.** Discussion and possible action to approve the Regular Meeting Minutes from last month's meeting. Perry Muscelli made a motion to approve the meeting minutes, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y, Vasquez – Y; Sherrill – Y.
- B. **Ratify payment of Expenses for March 2019.** Discussion and possible action to ratify the payment of expenses for last month. Staff reported no items out of the ordinary with the monthly expenses. John Kai, Jr., made a motion to ratify the payment of expenses for March, Clay Vanderslice seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y, Vasquez – Y; Sherrill – Y.
- C. **Willow Valley Estates 21, Tract 4228; T18N, R22W, Section 21; APN: 225-23-034; Extension Request for 24 Lots for Preliminary Water Allocation.** Discussion and possible action to approve the extension request for the above referenced property. This allocation is set to expire on April 10, 2019. Staff explained this subdivision is requesting an extension for the preliminary water allocation and that all fees for the preliminary water allocation were previously paid for in full and there is an extensive letter from Mr. McKellips. Chairman, Charles B. Sherrill, asked Mr. McKellips if we could forgo reading the letter and Mr. McKellips agreed. Mr. McKellips updated the forward progress and lack of contractors in the area and answered the board members questions. John Kai, Jr., made a motion to approve a two year extension request with a one year progress report requirement, Perry Muscelli was in disagreement with two years and suggest one year only. Clay Vanderslice seconded John Kai, Jr., motion. Motion passed. Kai – Y; Muscelli – N; Vanderslice – Y, Vasquez – Y; Sherrill – Y.
- D. **Mohave Landing, Tract 4213B; T18N, R22W, Section 23; APN: 225-24-071; Extension Request for 52 lots for Preliminary Water Allocation.** Discussion and possible action to approve the extension request for the above referenced property. This allocation is set to expire April 03, 2019. Staff explained this subdivision is requesting an extension of the preliminary water allocation and there is a lack of forward moving progress due to the economy and lack of lot sales documented by Mohave County Assessors and that the subdivision has been granted an extension of time for Tract 4213, Phases B-E in January of 2019 for two years with Mohave County Development Services. Staff explained that only 2/3rds of the preliminary water fees have been paid and there is an outstanding balance of \$15,300.00 for 52 lots and has to be paid before a Conditional Final Allocation is granted by the Board. When the economy fell several years ago, the Board granted some subdivisions on a case by case bases payment of the fees in 1/3<sup>rd</sup> increments. Perry Muscelli asked if the

\$250.00 extension fee had been paid, staff said it had not and if approved by the board today, staff would issue an invoice for the payment. John Kai, Jr., made a motion to approve a two year extension request with a one year progress report requirement, Perry Muscelli was in disagreement with two years and suggest one year only. Clay Vanderslice seconded John Kai, Jr., motion. Motion passed. Kai – Y; Muscelli – N; Vanderslice – Y, Vasquez – Y; Sherrill – Y.

**E. Mohave Landing, Tract 4213C; T18N, R22W, Section 23; APN: 225-24-071; Extension Request for 42 lots for Preliminary Water Allocation.**

Discussion and possible action to approve the extension request for the above referenced property. This allocation is set to expire April 03, 2019. Staff explained this subdivision is requesting an extension of the preliminary water allocation and there is a lack of forward moving progress due to the economy and lack of lot sales documented by Mohave County Assessors and that the subdivision has been granted an extension of time for Tract 4213, Phases B-E in January of 2019 for two years with Mohave County Development Services. Staff explained that only 2/3rds of the preliminary water fees have been paid and there is an outstanding balance of \$12,600.00 for 42 lots and has to be paid before a Conditional Final Allocation is granted by the Board. When the economy fell several years ago, the Board granted some subdivisions on a case by case bases payment of the fees in 1/3<sup>rd</sup> increments. John Kai, Jr., made a motion to approve a two year extension request with a one year progress report requirement, Perry Muscelli was in disagreement with two years and suggest one year only. Clay Vanderslice seconded John Kai, Jr., motion. Motion passed. Kai – Y; Muscelli – N; Vanderslice – Y, Vasquez – Y; Sherrill – Y.

**F. \*Resolution 2019-01; To Establish a Policy to Require All Wells used for the Purpose of Agricultural Use to Install Water Flow Meters.**

Discussion and possible action to approve Resolution 2019-01. (Follow up from the March 05, 2019 Regular Board Meeting.) Chip Sherrill explained this was presented at the last board meeting and read the changes that were made to this per the board's comments from the last meeting. Staff added that in section 5 that the word very was taken out and added that small farms of less than twenty (20) acres was added in. Staff advised the board that if they approved the changes today there is a clean version ready for signatures. Perry Muscelli made a motion to approve, John Kai, Jr., seconded the motion. All in favor, motion passed. Kai – Y; Muscelli – Y; Vanderslice – Y, Vasquez – Y; Sherrill – Y.

**G. Noxious Weeds.** Discussion and possible action regarding the abatement of Noxious Weeds on agricultural land within the District's boundaries. Chip Sherrill addressed the board with the issue of noxious weeds within the District and the importance of possibly implementing a

policy in the future for an abatement policy. Perry Muscelli along with the other board members are going to see what other irrigation districts may have as a policy and do more research and table this item to another time. No action taken.

**H. Resolution 2019-02; To Establish a Policy for an Agricultural Water Entitlement Allocation Approval Process.** Discussion and possible action to approve Resolution 2019-02. (Follow up from the March 05, 2019 Regular Board Meeting.) District Counsel, Michael Pearce, suggested that with the lack of agricultural water to allocate there is no urgency to create a water allocation policy for the district at this time. He suggested that more thought needs to be given about what is a fair way to allocate agricultural water in the future. The board agreed to not take action on this item and let this item die and when agricultural water does become available in the district, bring this back for review. No action taken.

**9. CALL TO THE PUBLIC.** *Those wishing to address the Board at the Call to the Public regarding matters not on the Board agenda must fill out and submit to the Administrative Assistant a Call to the Public – Request to Speak Form located in the back of the room prior to the meeting. Action Taken as a result of public comments will be limited to responding to criticism, referral to staff, or placing a matter on a future Agenda. Comments are restricted to items **NOT** on the Regular Agenda, and must relate to matters within the jurisdiction of the Board.* No members of the public signed up to speak.

**10. ADJOURNMENT.** John Kai, Jr., made a motion to adjourn, Clay Vanderslice seconded the motion. All in favor, motion passed. Meeting adjourned at 4:50pm. Kai – Y; Muscelli – N; Vanderslice – Y, Vasquez – Y; Sherrill – Y.

Agendas are available on our website [www.mvidd.net](http://www.mvidd.net), as well as posted outside the District office bulletin board outside the office door located at 1460 E. Commercial Street, Mohave Valley, AZ 86440. To subscribe to agenda notifications please visit our website.

Pursuant to the Americans with Disabilities Act (ADA), Mohave Valley Irrigation & Drainage District endeavors to ensure the accessibility of all its programs, facilities, and services to all persons with disabilities. For an accommodation please contact the District office at 928-768-3325. Requests should be made 48 hours prior to the meeting to arrange the accommodation.

Items on Agenda marked with an asterisk (\*) will be discussed in executive session with District counsel in accordance with A.R.S. § 38-431.03(A)(3)(4) & (7).

\*\*Voted: Y = Yes; N = No; A = Abstained