

PINE-STRAWBERRY WATER IMPROVEMENT DISTRICT

Special Session

Thursday, June 06, 2024, at 4:00 p.m.

PSWID Administrative Office

6306 W Hardscrabble Rd.

Pine, AZ 85544

1. CALL TO ORDER Cory Ellsworth called the meeting to order at 4:00 p.m.

2. PLEDGE OF ALLEGIANCE Conducted by Cory Ellsworth

3. PRAYER Offered by Cory Ellsworth

4. ROLL CALL OF BOARD MEMBERS

Conducted by Cory Ellsworth: Board members present: Larry Bagshaw, Cory Ellsworth, Victor Tayao and Sharon Hillman. George Gorkowski and Brent Pruett attended via Go to Meeting. A quorum was present. Also present were Steve Bowen, District Manager, and Kyle Wortman, field manager, and Becky Bagshaw, scribe. Attorneys Steve Wene, Natalia Ter-Grigoryan, and Chris Kramer also were present via Go to Meeting.

5. BUSINESS: Discussion and possible action regarding the following item:

- I. Authorizing the District's manager, attorneys, or designees to take all actions and spend all funds necessary or convenient to extinguish any encumbrances, restrictive covenants, restrictions, easements or other limitations concerning the use of Lot 26, Strawberry View Subdivision, 4889 N. Rim View Loop, Strawberry, AZ 85544 which might otherwise prevent or impair the use of the property necessary or convenient for potable water production, storage, and transmission, by donation, purchase or through the exercise of eminent domain, including but not limited to the condemnation of any interests held by any property or properties benefited by such covenants, restrictions, easements or other limitations. There were four comment cards submitted regarding this agenda item and those people were allowed to comment first. David O'Dell, who is a resident of the subdivision voiced that he was against this action. Beth Pierson thinks this is a problem caused solely by miscommunication with the lawsuit plaintiffs. Teresa Hasenwinkel thinks that the district did not do due diligence in the matter. Tom Reski said that the plaintiffs were willing to negotiate a settlement and that he

would propose that the board approve both him and Beth Pierson be mediators for a meeting on a Saturday in the next 4 weeks with the plaintiffs. He also suggested that Steve Bowen, the district manager, be present to represent the district and the public attend the meeting. It would resolve the problem at no cost.

Cory Ellsworth thanked the public for their comments and said that the board had already tried mediation, but the plaintiffs refused. Please refer to the audio recording for the complete discussion.

The district's attorney, Steve Wene, also stated that mediation was no longer an option to settle the dispute.

6. **MOTION TO ADJOURN THE OPEN SESSION.** Sharon Hillman moved the open session to be adjourned. Larry Bagshaw seconded the motion. The motion carried unanimously.

7. EXECUTIVE SESSION

8. **CALL FOR MOTION TO RETURN TO OPEN SESSION.** Sharon Hillman moved that the board return to open session. Larry Bagshaw seconded the motion.
9. **BUSINESS** Action regarding agenda item 5.1. Sharon Hillman moved that the board approve Resolution #06-06-2024 for the district to authorize the attorneys to file for eminent domain (copy is attached to the end of the minutes). Larry Bagshaw seconded the motion. The motion carried unanimously.

Cory Ellsworth then moved that the approval of the resolution does not preclude our attorneys from continuing to work in good faith on our behalf as it relates to the final disposition of this issue. Sharon Hillman seconded the motion. The motion carried unanimously.

10. **MOTION TO ADJOURN.** Sharon Hillman moved the meeting be adjourned. Victor Tayao seconded the motion. The motion carried unanimously.