

WESTON COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
March 3, 2020

HOSPITAL BOARD

Attorney Berger read a letter to the Board, from the Hospital Board's Attorney Jim Peck, in response to a letter that Attorney Berger had sent to the Hospital Board. Mr. Peck would like the Board to provide the Hospital Board with information that they had paid for the lots listed in the deed. Ted Ertman, former County Commissioner Chairman was present at the meeting and stated that what the Commissioners put on that deed is exactly what the Commissioners wanted on that deed. Mr. Ertman added that the Hospital wanted to build a helicopter pad and the Board of Commissioners thought that was great. Mr. Ertman said that is exactly what the Commissioners wanted on the deed that the Hospital couldn't turn around and sell the land without the Commissioners permission.

Commissioner Ertman said the point in the paper was misinformation that just because something was put into the minutes does not necessarily mean there was not a discussion, as was brought up at the last meeting. It does not matter what the discussion was or what the intent was, it was the 4 cornerstones of the document is what we get to rely on, and therefore to read into something we could all take those minutes and we could all read into something. I'm not approving of what occurred and the Hospital Board. This was not under the direction of the Board of Commissioners. This makes us look interesting and disjointed. I'm upset, I just don't approve.

Vice-Chairman Todd stated he wanted to follow up on Mr. Ertman's comment. Vice-Chairman Todd said he talked to a former Commissioner, Alan Todd. Mr. Todd told him the land was for the Hospital to build on, not to be sold. Vice-Chairman Todd said that the Board came to those Commissioners at that time looking for a piece of land to be used and they were completely ok with signing that document at that time period knowing these were the stipulations and here we are fifteen years later and now they are not ok with it.

Commissioner Barton stated he was approached by a Board member asking what was going on and why the animosity. Commissioner Barton stated the Board member invited him to a meeting and also invited him to talk to their attorney, which he did and he attended their meeting as a listening session. Commissioner Barton commented that there were some things unfairly brought about in the Commissioner meeting, there was some questions that the entity in South Dakota ran that district and that Hospital, but the Hospital contracts with that entity in South Dakota for administrative support. Commissioner Barton reported that the Hospital Board asked about the County's offer and he said a motion had passed and they were going to offer something back and he thought it was a 25/75 split.

Commissioner Ertman commented, but the motion we made was that we would direct our County Attorney to do the negotiation, nowhere in the minutes did we give a member of the Board the authority to do the negotiation. We gave that power to the County Attorney. Whether the County Attorney knew what was going on, this undermines all kinds of things here. It's just not, I'm upset.

Commissioner Barton stated I'm not going to sit here and admit I did anything wrong, I don't think I did anything wrong. I think it's completely inappropriate that we would just dig in our heels and not try to work with another Board. Commissioner Barton stated that if I have a member of the Board that wants

to come and visit with me, I can visit with them and say what can I bring back to the rest of this Board that we can approve of, I think that's more than fair.

Vice-Chairman Todd stated I take a little issue with it because we are a Board and nobody has showed up before us, other than a realtor, during this entire discussion, so it's pretty hard to point fingers at us. Vice-Chairman Todd thinks that what's in the deed is pretty self-explanatory. Vice-Chairman Todd added if they have somebody that can come here and tell me exactly what's going on, I would love to hear from them instead of a realtor, and he questions whether they can even fill in that ground. Vice-Chairman Todd thinks it could be federally mandated wet lands.

Commissioner Barton wanted to know how the County acquired the land and said it's really hard to say what the conversation was back then.

Chairman Wagoner stated a lot of things can be taken from how you interpret minutes or if somebody is sitting right in front of someone getting their input, it takes a whole different meaning. Chairman Wagoner added hearing from former Commissioners that was put in there the way it was, and it was pretty specific, is a whole different interpretation than what you can read in black and white.

Mr. Ertman stated if you look at the one document, he did sign the document that was his scribble, he was part of the Commission at the time.

Vice-Chairman Todd commented that he wanted the Hospital to first prove that you can fill it in, second have them come and tell the Board what kind of business it is and what benefits it is to the community as appose to taking 2-300,000 dollars where they already get close to a million dollars in MIL levy fund.

Commissioner Ertman commented to Commissioner Barton that he didn't have the right to and she wouldn't have the right, if she didn't have the permission of the Board. Commissioner Ertman stated she had already been down that road and it didn't go well and the hypocrisy here is unbelievable to her. Commissioner Ertman stated that she would appreciate it if any member of this Board, especially when we have already determined who the negotiator would be, is if we brought it to the Board and decide you want to go to this you want to go to that and then sit and listen. Commissioner Ertman added that what's in the paper now is permanent.

Commissioner Barton stated he hadn't read the paper and Commissioner Ertman commented that he wasn't going to be impressed. Commissioner Barton asked if it said he was speaking on behalf of the Board, because he said he was pretty clear in the meeting that he was not speaking on behalf of the Board and Commissioner Ertman commented that it did not state that.

Commissioner Barton stated he had a question for Mr. Ertman. Commissioner Barton read a motion that was made by former Commissioner Todd and seconded by former Commissioner Ertman to agree to transfer the Hospital building and land to the Weston County Hospital District with a deed restriction that said if the building cease to be used as a Health care facility that the building and land would revert back to the County. Carried. This motion does not include the tract of land immediately next to the low income housing complex which is not used by the hospital. The District will be notified to prepare the deed for the Commissioners consideration. Commissioner Barton asked if that was the one they were talking about and Commissioner Ertman asked what the date was that Commissioner Barton was reading and Commissioner Barton answered 1999. Mr. Ertman said the documents are the same in 2005 knowing full well those were the restriction on that portion.

Commissioner Ertman said that she and Vice-Chairman Todd did some research with the help of the Assessor's office.

Attorney Berger said Mr. Peck wanted to know what the intent of the Board was at the time of the transfers. Attorney Berger needs to know shall he provide that and did the County acquire any monetary from the Manor Board.

Chairman Wagoner said to move forward on this, it's pretty clear what the former Board of Commissioners intent was and we should honor their request and both parties went into that agreement knowing what the restrictions were. Commissioner Ertman agreed and said that's what the deed said. Vice-Chairman Todd also agreed.

Commissioner Barton stated he hopes we don't muddle this up so much that we drive another potential business away. Chairman Wagoner stated on that thought there, that deed is pretty cut and dry what was supposed to happen. Chairman Wagoner added that if anyone drives it away, it's the hospital by not moving forward with it. Chairman Wagoner stated if our one newspaper was here, they could get the intent of this Board is that we are not trying to muddle it up or restrict a business to come in, we want to move forward we are just honoring what prior Commissioners put in writing. Chairman Wagoner added whether it be this Board or the Hospital Board, both parties agreed whole heartily & signed that deed, so I feel we should respect the wishes of the Board and that was both Board's intent was the way it should be, not one Board versus the other. Both Boards agreed into that agreement.

Attorney Berger would like direction from the Board on what they would like him to do. Commissioner Ertman made a motion to reiterate the previous offer and explain a little bit of why the Board is not responding to the request for information; seconded by Vice-Chairman Todd. During discussion Commissioner Barton questioned that the Board was not providing them any information and Vice-Chairman Todd stated the Board was and he added he wanted the acknowledgment from the Hospital District. Chairman Wagoner wants it known that the BOCC welcomes the new business, the Hospital Board would be the ones chasing them away by not honoring the people who signed these deeds back in 2005. Ayes: Wagoner, Ertman, Todd. Nays: Barton. Carried.

Ed Wagoner
Chairman

Attest: Becky Hadlock
Weston County Clerk