

FALL RIVER COUNTY RESOLUTION #2023-01

WHEREAS, the Division of Purchasing and Printing of the State of South Dakota has competitively bid state contracts for the purchase of necessary supplies, equipment and materials for state and local governments, and

WHEREAS, the Fall River County Board of Commissioners is authorized to purchase necessary supplies, equipment and materials for its use, and

NOW THEREFORE, BE IT RESOLVED, that the Board of Fall River County Commissioners enter into an agreement with the Division of Purchasing and Printing of the State of South Dakota to purchase equipment, supplies and materials.

Dated this 5th day of January, 2023

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje
Fall River County Auditor

FALL RIVER COUNTY RESOLUTION #2023-02

WHEREAS, pursuant to SDCL 12-15-11, the Board of County Commissioners at their first meeting shall set a fee for Election Board and the mileage rate;

NOW THEREFORE BE IT RESOLVED, that the Fall River County Board of Commissioners have set the FLAT FEE FOR ATTENDANCE OF ELECTION SCHOOL AT \$25.00; and

BE IT FURTHER RESOLVED, that the Fall River Board of County Commissioners has set the fee for Election Boards for the Primary and General and all Special Elections as follows:

ALL ELECTION BOARDS WILL RECEIVE A FLAT FEE OF \$150.00; SUPERINTENDENTS OF EACH PRECINCT, A FEE OF \$160.00; RESOLUTION, ABSENTEE AND PROVISIONAL BOARDS WILL BE SET AT \$10.00 PER HOUR, and

BE IT FURTHER RESOLVED, that the Fall River County Commissioners set the mileage rate at \$.42 per mile for the transporting of ballots and ballot boxes by the precinct superintendent.

Dated this 5th day of January, 2023.

Joe Falkenburg, Chairman
Fall River County Commissioners

ATTEST:

Sue Ganje
Fall River County Auditor

FALL RIVER COUNTY RESOLUTION #2023-03

WHEREAS, pursuant to SDCL 7-7-9.1, 7-7-12 and 7-12-15 the Board of Commissioners by Resolution may establish the salary payable to the County Treasurer, County Auditor, County Register of Deeds, County State’s Attorney and County Sheriff; and

WHEREAS, the salary may not be less than the following schedule and is based upon the most recent decennial federal census. The Fall River Census is 7,094.

Treasurer, Auditor, Register of Deeds - Population under 10,000: \$33,825.00;
State’s Attorney - Population under 10,000: \$37,673.00
County Sheriff – Population under 10,000: \$41,256 plus 10% for jail admin

BE IT RESOLVED, that the Fall River Board of County Commissioners set the salaries as follows, effective January 1, 2020:

Treasurer, Teresa Pullen:	\$51,440.04 (plus \$21,335.28 from Oglala Lakota County)
Auditor, Sue Ganje:	\$63,051.00 (plus \$21,335.28 from Oglala Lakota County)
Reg. of Deeds, Mel Engebretson:	\$57,712.68 (plus \$21,335.28 from Oglala Lakota County)
State’s Attorney, Lance Russell:	\$75,997.56 (plus \$29,160.12 from Oglala Lakota County)
Sheriff, Lyle Norton	\$74,300.04

Passed and approved this 5th day of January, 2023.

Joe Falkenburg, Chairman
Fall River Board of County Commissioners

ATTEST:

Sue Ganje
Fall River County Auditor’s Office

Fall River County Sheriff's Office

906 N. River Street, Hot Springs, SD 57747

Phone: (605)745-4444

Fax: (605)745-7591

E-mail: sheriff@frcounty.org



TO: Fall River County Commissioners

FROM: Sheriff Lyle A. Norton

DATE: January 1, 2023

RE: Fall River County Jail Inmate Rates

Effective January 1, 2023, the Fall River County Jail is raising the daily inmate housing cost from \$85.00 to \$95.00. The daily rate for special management inmates (i.e., behavioral issues, medical issues, or mental health issues that require more resources than the typical inmate) is \$120.00 effective January 1, 2023.

The Fall River County Jail will determine special management inmate status and will document status to the holding agency prior to charging the increased rate.

A handwritten signature in blue ink, which appears to read "Lyle A. Norton". The signature is written in a cursive style.



2727 N Plaza Dr.
Rapid City, SD 57702

Phone 605-348-6529 Fax 605-342-1160

Quote

No.: **69002**

Date: 12/13/2022

Prepared for:

Dave Weishaupl (605) 891-1151
Fall River County Auditor
906 N River Street
Hot Springs, SD 57747 USA

Account No.: 1889
Phone: (605) 745-5145
Fax: (605) 745-3530

Qty	Description	UOM	Sell	Total
1	SonicWALL Advanced Gateway Security Suite Bundle for NSA 2600 - 1yr	EA	\$2,505.87	\$2,505.87

Your Price: \$2,505.87

Total: \$2,505.87

Prices are valid for 30 days from quote date.

Prepared by: Chris Bernard, chrisbernard@goldenwest.com

Date: 12/13/2022

Accepted by: _____ **Date:** _____

Disclaimer

Unless otherwise specified, all labor is charged on a time and materials basis. Any additional service charge or travel will apply.

Any quoted cable runs assume that there is an available cable pathway; if not, additional charges may apply.

Applicable taxes and/or shipping charges may be added to the invoice.

Terms: A 30% down payment may be required for sales of \$10,000 or more, with the balance due 15 days from the invoice date.

Large, long-term projects are subject to progress billing.



Garland Lee Goff, Attorney at Law, LLC

December 27, 2022

VIA: email/mail

Fall River County Commissioners
906 N River St.
Hot Springs, SD 57747

Fall River State's Attorney
Lance S. Russell
906 N River St.
Hot Springs, SD 57747

Re: Variance related to Medical Cannabis Cultivation License

Dear Lance and County Commissioners:

I hope you have had a good Christmas. I have been retained by Erica Merchant who is a member of the Dakota Investment Group LLC, which has applied to cultivate cannabis in Fall River County. As you know, my client was in the process of seeking a variance concerning setback requirements. I have watched the December 1st commissioner meeting and it appeared the commission was heading towards approving the variance application until some issues were raised.

The first issue concerned the sign requirement of Ordinance 2021-01 A(3). The missing sign was not provided by the county and it was missed by my clients. The other issues involved requirements and burdens of proof within the ordinance. Throughout the video, Lance mentioned these issues would have likely been addressed and not missed had the applicants had an attorney to help them through the process. Unfortunately, I have been hired now after the fact and I am trying to remedy the situation for my clients.

Under the Sections (D) and (E) of the ordinance, my clients have two ways to appeal the December 1st denial. Under Section (D), my clients can reapply after one year, unless the Commissioners determine the circumstances surrounding the request have substantially changed. This is the purpose of my letter, to the request the Commissioners to allow a reapplication based on the circumstances changing for the following reasons:

1. That the issues related to the denial were based on procedural issues and not directly based on the merits of the application.
2. The applicants have retained an attorney to guide them through the process.

220 N. 5th St.
Custer, SD 57730
garlandgoff@custerattorney.com
(605)-673-3529



Garland Lee Goff, Attorney at Law, LLC

3. The former procedural issues will be addressed, including the sign, which is a substantial change in the circumstances surrounding the application.

For me, this would be simplest solution for the situation. Let my clients reapply for the variance and then we can address the procedural issues and meet those requirements, especially the sign requirement. The other option falls under Section (E) of the ordinance, which is an appeal to the Circuit Court.

I would have sent this letter out and talked to Lance before filing any appeal with the Circuit Court, but my family and I both have had COVID and other illnesses, so I am close to running out of time to make an appeal. To appeal the Commissioner's decision, I have 30 days to file an appeal with the Circuit Court from the December 1st denial. Since I am pushed for time, I have to file the appeal with the Circuit Court so I do not run past the statute of limitations. Even though I am filing the appeal, I am hoping the Commissioners will allow my clients to reapply now, as allowed under Section (D). As I stated above, I have to file an appeal based on the statute of limitations, but if my clients can reapply for the variance, I will be happy to dismiss the appeal and move forward with the reapplication.

I know it is too late to add this to your January 29th agenda, but I ask this be added for consideration on your January 5th meeting. Please contact me if you have any questions or concerns or wish to discuss this matter.

Sincerely,



Garland Lee Goff