

Indictment Charges 2 SD Inmates With Murder

SIoux FALLS (AP) — Two inmates have been indicted on murder charges in the death of a correctional officer at the South Dakota Penitentiary.

Rodney Berget and Eric Robert are charged with first-degree murder and felony murder of Ronald Johnson. Each charges carries a life prison sentence or the death sentence.

A third count charges the 48-year-old inmates with simple assault on another guard.

Robert, through his attorney, pleaded not guilty Tuesday.

Berget did not appear in court. After the hearing, Attorney General Marty Jackley would not say if Berget's absence was related to his hunger strike in jail.

Authorities say Berget and Robert killed Johnson and attacked another guard during a failed escape attempt at the Sioux Falls prison on April 12.

Neb. Gov. Heineman Vetoes 2 Legislative Bills

LINCOLN, Neb. (AP) — Nebraska Gov. Dave Heineman has voted bills that would require students to undergo blood-lead testing, and use provider taxes to increase federal Medicaid funding for nursing homes.

Heineman released a letter Tuesday saying he had concerns with both proposals.

Heineman said the blood-lead testing bill by Omaha Sen. Brenda Council would likely require testing for children who are not at risk of elevated blood levels. He said the tie to kindergarten entrance requirements is overly broad. He also raised concerns about the costs for parents or guardians.

Heineman said the provider tax proposal by Lincoln Sen. Kathy Campbell would artificially inflate provider rates and would eventually cost the state nearly \$19 million annually.

Neb. Lawmakers Advance Healthy Foods Bill

LINCOLN, Neb. (AP) — Nebraska lawmakers have granted second-round approval to a bill that would help offer grants and loans to improve access to healthy food.

Omaha Sen. Brenda Council introduced legislation that would offer tax credits and encourage private funding for grocery stores, farmers markets and community gardens that serve low-access areas. An amendment to her bill would cap the total available tax credit each year at \$200,000.

Council has argued that her legislation would extend healthy eating options to urban and rural regions in so-called "food deserts."

Critics worry the bill could create unintended consequences for established grocery stores, which operate in a highly competitive industry with slim margins. In earlier debate, some lawmakers said market forces would create healthy food options for customers if a demand existed.

USDA: Wet Soil Hampered Nebraska Planting

LINCOLN, Neb. (AP) — Federal authorities say wet soil and relatively low temperatures hampered the planting of corn in Nebraska.

The U.S. Department of Agriculture says that as of Sunday, 5 percent of the expected corn crop had been planted, compared with 3 percent a week ago and 20 percent at this time last year. The average by the date is 15 percent.

About 68 percent of the expected oat crop has been planted, compared with 83 percent last year at this time and the average of 78 percent.

About 44 percent of the wheat crop rated good or excellent, well below last year, when 73 percent was rated good or excellent.

SD Fair Signs Cheap Trick Band

HURON (AP) — The 1970s rock band Cheap Trick has been added to the lineup of grandstand entertainers at the South Dakota State Fair.

The fair said tickets for the band's Sept. 4 performance will go on sale in mid-June.

Also booked for the grandstand is country singer Don Williams on Sept. 2.

The fair runs Sept. 1-5 in Huron.

Former DM&E Manager Sues Owner

BY DIRK LAMMERS
Associated Press Writer

SIoux FALLS — A former Dakota, Minnesota & Eastern Railroad manager is suing the company's Canadian owner, saying executives should have honored a preexisting deal that promised he could keep his union seniority.

Clyde Mittleider filed the federal lawsuit against Canadian Pacific Railway alleging breach of contract in U.S. District Court in Sioux Falls on Friday.

In the lawsuit, Mittleider said his position in Sioux Falls was eliminated in March and that he was denied an opportunity to return to "the ranks" with a job in Brookings. DM&E executives promised that if the union denied his seniority in an arbitration hearing, he would be made whole financially if he chose

to leave management, he said.

T.J. Nelson, a Canadian Pacific spokesman, said the company can't comment on pending litigation.

Mittleider, who was hired by the DM&E in 1987 as a conductor and brakeman, was a supervisor in Huron in 2002 when DM&E purchased the assets of I&M Rail Link Railroad and renamed it IC&E.

The company offered Mittleider a position as a superintendent in Mason City, Iowa, which he accepted under the condition that he could keep his seniority. He said Robert Brownell, then a vice-president, and Kevin Schieffer, DM&E's president, made that promise.

Mittleider was promoted in 2004 to assistant chief transportation officer and moved to Sioux Falls, which prompted the United Transportation Union to challenge whether

he could retain his seniority status. He lost his rights during that arbitration hearing, but said that Brownell and Schieffer assured him he would be made whole for the loss of any seniority benefits.

In Sept. 2007, Canadian Pacific Railway announced it was buying DM&E for \$1.48 billion in cash, and the deal was approved by the Surface Transportation Board a year later.

Brownell, in an August 2009 letter to Mittleider filed with the lawsuit, said the guarantee he made on behalf of DM&E meant Mittleider would get his seniority rights back or be made whole financially.

"You took a risk for us and I hope and expect that the company will stand by you to make it right," Brownell wrote.

Mittleider in his lawsuit requests a jury trial.

N.D. Fieldwork Still Hampered By Wet Weather

FARGO, N.D. (AP) — The spring planting season in North Dakota is shaping up to be the latest in recorded history because of the wet conditions plaguing the state.

The expected average starting date for fieldwork has now been pushed back to May 6, a day later than last week's estimate, according to the Agriculture Department. The date is 18 days later than last year and 15 days behind the five-year average.

The department's North Dakota Agricultural Statistics Service has been surveying county extension agents on planting starts for 20 years. The record late date is May 3 in 1997, agricultural statistician Andy Jackson told the Grand Forks Herald. In 2009, another extremely wet year, the average starting date was May 2.

Since 1992, the average start date for field work in the state has been April 21. The planting in the north central part of North Dakota this spring could begin as late as May 9, the department's latest crop-weather report said. Late planting can cut into production, though favorable growing seasons can help crops recover.

Brad Brummond, extension agent in northeastern North Dakota's Walsh County, said there is still time for spring wheat, corn and soybean crops to flourish, though sugar beet farmers "already are starting to get a little nervous," he said.

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Three Lakes Threatening Waubay

WAUBAY (AP) — Rising water is pinching the town of Waubay on three sides, forcing some people from their homes, spreading into the northeast South Dakota town and inundating more farmland.

Blue Dog Lake to the north, Rush Lake to the west and Bitter Lake to the south continue to grow after years of wet weather and winters with heavy snowfall.

"We need to get a break in the weather," Waubay Mayor Kevin Jens told the American News.

He said several families have moved out of the community and others continually have water in their basements.

"It comes to the point where we have to ask what is going to happen to those homes. It is tough enough when we have to fight the surface water, but we are also fighting sub-surface water (that seeps from the ground)."

Jens said the town's water problems won't disappear until the lakes recede.

Blue Dog Lake is at a record level, engulfing dozens of homes. Rush Lake continues to grow, and has moved into the city limits. Bitter Lake has forced out at least 10 families.

Bitter Lake is three times larger than it was in the mid-1990s, according to Day County officials.

The lake was more than one mile south of Waubay in 1994 but now is lapping at the edge of town.

















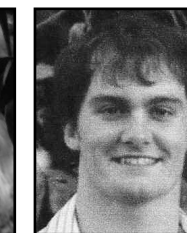














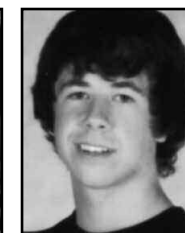


Dennis Skadsen, project coordinator for the Northeast Glacial Lakes Watershed Project, said Bitter Lake has no natural outlet. Lakes to the north drain into Bitter Lake.

"This is one of the largest disasters in Day County, and it doesn't seem like anyone's paying attention to it," said David Kuecker, a farmer who said he will lose 480 acres of land to expanding Bitter Lake this year.

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