

# MIDWEST DIGEST

## Huron Seeks Fund For Water Tower

HURON (AP) — The city of Huron is seeking a \$515,000 federal grant to help pay for a new water tower on the east side of town. The Huron Plainsman reports that the new water tower would provide service to the Dakota Provisions turkey plant and the company’s proposed rendering facility that would make pet food from poultry byproducts. The total cost of the new water tower is about \$1.5 million. Officials say the tower would stabilize pressure for city departments and other businesses on the east side of the James River.

## S.D. Bridge Deemed Unsafe To Be Sold

BROOKINGS (AP) — An old bridge in eastern South Dakota has been deemed unsafe for traffic and will be sold. The Brookings Register reports that the old bridge near Butler was officially closed last week by Brookings County commissioners. Brookings County Highway Superintendent Larry Jensen says the bridge has been off-limits since November. Jensen says the bridge is not worth repairing. He says there is another county road that has a bridge about a mile away. Jensen says that since the unsafe bridge is a historical structure, it can be sold to the public. If the bridge is not sold, the county will salvage the planks for repairs on other bridges. Steel from the bridge would be sold as scrap.

## S.D. Landfill Fire Could Burn For Years

PIERRE (AP) — Pierre officials say a rubble fire at the city landfill that has been burning since September could burn for five years. The Pierre Capital Journal reports that the city council has voted to declare the situation an emergency. The council says it will seek a federal grant to help with the expense of extinguishing the fire. Officials say the source of the fire is buried as much as 75 feet deep and conventional firefighting measures won’t work. Officials say covering the fire with additional dirt is an option. The fire department continues to monitor the site and guard against fire flare-ups. The city is attempting to find another location to bury construction debris such as wood, shingles and sheetrock.

## UNMC To Hold 24-Hour Skate-A-Thon

OMAHA, Neb. (AP) — The University of Nebraska Medical Center will hold a 24-hour skate-a-thon to raise money for Parkinson’s research. Skating will start at 6 p.m. Jan. 28 at the outdoor ice rink on the UNMC campus and will conclude at 6 p.m. Jan. 29. The event is open to the public. There is no cost for skate rental, but each skater will pay \$10 to participate in the fundraiser. UNMC’s Keith Swarts says up to 125 people can be on the ice at a time. Money will go toward UNMC’s research of Parkinson’s disease, which is characterized by increasingly severe tremors and periodically stiff or frozen limbs. About 5 million people worldwide, and 1.5 million in the U.S., have Parkinson’s. There is no cure.

■ Get Updates At Yankton Online (www.yankton.net)

## OBITUARIES

### Keith Deal

ROCHELLE, Ill. — Keith Robert Deal, age 58, passed away unexpectedly on Friday, December 24, 2010 at the Rochelle Community Hospital. He was born on June 26, 1952 in Amarillo, TX, the son of Keith A. and Pearl A. Gullikson Deal. Keith graduated from the University of South Dakota. He was the Director of the University Plaza, DeKalb, IL and was on the board of the Egyptian Theater. He was preceded in death by his father, Keith, step father, Martin Brecht, paternal grandparents, Lester and Erma Johnson, maternal grandparents, Raymond and Muriel Gullikson, his two uncles, Gary Deal and Gordon Gullikson, and an aunt, Carol “Sissie” St. Pierre.



Deal

Survived by his mother, Pearl Brecht of Walkerton, IN; his life partner, Todd Mikesell of Rochelle; 2 sisters: Rhonda (Steve) Paschen of Walkerton, IN; Brenda (Tim) Pontius of Crystal Lake, IL; and several nieces and nephews, whom he loved dearly: Misty, Mandy, Joel, Grace, Anna, Marvin, Johnathan, Austin, Wendy, Angel, Heather, Keisha, Autumn, and Trayton; and great nephew, Evan. Funeral services will be held at 10 a.m. on Thursday, December 30, 2010 at the Rochelle United Methodist Church, with Rev. Brett Todd officiating. Visitation will be on Wednesday from 4-8 p.m. at the Unger Horner Funeral Home, 400 N 6th St., Rochelle. The family request memorials to the Keith Robert Deal Scholarship Fund. Burial at Woodlawn Cemetery in Walkerton Indiana. Online guest book at www.ungerhorner.com. Yankton Press & Dakotan December 28, 2010

### Ethel Gray

VERMILLION — Ethel B. Gray, 92, of Vermillion died Saturday (Dec. 25, 2010) at Sanford Vermillion Care Center. Funeral services are at 2:30 p.m. Wednesday at First Baptist Church, Vermillion, with the Rev. Elmer “Sandy” Aakre officiating. Burial will be in Bluff View

Cemetery in Vermillion following the service. Visitation will be held one hour prior to the service on Wednesday at the church. Iverson-Siecke-Kober Funeral Home, Vermillion, is in charge of arrangements.

### Jim Van Gerpen

Jim Van Gerpen, 59, of Yankton died Monday (Dec. 27, 2010). Funeral services are at 10:30 a.m. Thursday at Emmanuel Reformed Church, Springfield, with the Rev. Bill Van Gerpen officiating. Burial will be in the Garden of Memories Cemetery, Yankton. Visitation is 5-8 p.m. Wednesday at Wintz & Ray Funeral Home, Yankton, with a prayer service at 7 p.m. Visitation resumes one hour prior to the funeral at the church. In lieu of flowers, memorials will be designated.

## SOUTH DAKOTA

# Court Upholds DUI Stop, Conviction

BY CHET BROKAW  
Associated Press

PIERRE, S.D. (AP) — A law officer had sufficient reason to stop a woman for suspected drunken driving after receiving a tip from an anonymous caller and watching her linger at a stop sign for about 40 seconds, the South Dakota Supreme Court has ruled. The high court’s unanimous ruling upholds Annette M. Herren’s conviction for driving under the influence of alcohol in rural Brookings County in August 2009. Neither the anonymous tip nor the delay at the stop sign alone would have given the law officer reasonable suspicion to stop Herren, the Supreme Court said. But taken together, the tip and the lengthy halt justified the stop, the justices said. A Brookings County deputy sheriff went to a rural intersection after authorities received a tip from an anonymous caller that

a possible drunken driver would be driving from Flandreau to the small town of Toronto in eastern South Dakota, according to court records. The caller erroneously reported the vehicle as a blue Ford Durango, but Herren was driving a green Durango, which is made by Dodge. The officer said he stopped Herren after seeing her linger at a stop sign for about 40 seconds, and he later testified that such a lengthy stop is an indication of an impaired driver. The officer arrested Herren after he smelled alcohol and she failed a breath test. Herren argued that her constitutional rights against unreasonable search and seizure were violated because the officer had no reasonable suspicion to justify the stop, but Circuit Judge David R. Gienapp ruled the stop was justified. Herren was convicted of drunken driving and was sentenced to spend 90 days in jail and remain on probation for three years.

Herren said she lingered at the stop sign because she was applying eye drops. Her lawyer, Michael McCann of Brookings, said Monday the tip was weak because it gave a poor description of the vehicle and a 40-second delay at a stop sign wasn’t necessarily an indication of an impaired driver. But the Supreme Court decided that taken together, the tip and the delay were sufficient to permit the stop, he said. “It disappoints us, but that’s the ruling,” McCann said. The Supreme Court agreed with rulings in other states that have found a lengthy stop at a rural stop sign does not by itself create reasonable suspicion to justify a traffic stop. The anonymous tip by itself also was not sufficiently reliable to justify the stop, the high court said. However, the tip and the lengthy stop in combination gave the law officer sufficient reason to suspect a violation of the law, the high court said.

## Food Service Sues Over Iowa School Lunches

DES MOINES, Iowa (AP) — A food service company has filed a lawsuit against a consortium of Iowa school districts and another food service company, accusing them of fixing prices and rigging bids. The publicly funded Iowa Educators Consortium was created by the state’s Area Education Agencies 11 years ago to help school pool their purchasing needs and obtain volume discounts on food, supplies and other services. While the consortium buys many of its supplies through multiple, competing vendors, it uses just one primary vendor, Martin Brothers Distributing Inc. of Cedar Falls, for food purchases for the schools. The Des Moines Register reported that Hawkeye Food Service of Coralville filed a lawsuit in U.S. District Court alleging the consortium and Martin Brothers schemed to force food manufacturers and suppliers to give them discounts not available to Hawkeye and other competitors.

The lawsuit claims that during its first two years, the consortium chose Martin Brothers as its vendor without seeking bids and then in 2002 when it put the food-vendor contract up for bid the consortium wrote to food suppliers asking them to guarantee the best pricing for Martin brothers and to guarantee those prices would be kept confidential.

Hawkeye claims that it submitted the lowest bid in 2007 but that Martin Brothers was awarded the contract. The lawsuit alleges that Martin Brothers, the consortium and its director, Dan Dreyer, a former Martin Brothers manager, conspired to violate federal anti-trust and racketeering laws while

blocking fair competition in the purchase of food supplies for Iowa schools. Dreyer referred questions to Brent Siegrist, director of state services for the Area Education Agencies, who called the claims “unfounded.” “We intend to fight these charges vigorously,” he said. Brooks Martin, president of Martin Brothers, said the “claims are baseless and we believe we will prove so in court.” Hawkeye Food Service filed a similar lawsuit in state court two years ago but it was thrown out by a district court. The Iowa Court of Appeals reversed the decision earlier this year and the case is now before the Iowa Supreme Court.

The state lawsuit challenges the legality of the Iowa Educators Consortium and alleges that Iowa’s taxpayer-funded AEAs are violating a state law that limits the ability of government entities to sell goods and services that also are offered by private businesses. The lawsuit also claims Martin Brothers is funneling money back into the consortium through administrative fees that Hawkeye likens to kickbacks. The U.S. Department of Agriculture, which helps pay for school lunches, said earlier this year that while the contract with Martin Brothers is now put up for bids on a regular basis, Iowa schools have been buying food from Martin Brothers that isn’t included in the contract, skirting the competitive bidding requirements.

ECO WATER SYSTEMS® Water Softeners

LINDSAY WATER COND.

209 E. 3rd, Yankton 605-665-7471

OUR CLASSIFIEDS WORK FOR YOU!

CALL THE P&D AT (605) 665-7811

## North Dakota Homicides Down Five From 2009 To 2010

BY DAVE KOLPACK  
Associated Press

FARGO, N.D. — Unofficial reports compiled by the North Dakota attorney general’s office show 10 homicides in the state this year. In each case, the accused killers appear to have known their victims.

Four of the killings could be traced to domestic violence. Prosecutors believe two women were killed by their husbands, one woman by her ex-husband and one woman by her ex-boyfriend.

Historically about half the homicides in the state are related to domestic issues, Attorney General Wayne Stenehjem said. “People who find themselves in situations of domestic violence need to know there are places to go for help,” Stenehjem said. “It doesn’t have to happen.”

One of the 2010 cases involves two brothers in Manvel. Rodney Chisholm, 45, is accused of killing his 59-year-old brother, Donald, by hitting him in the head with a metal pipe, strangling him or a combination of the two. Trial in the case is set for March.

Rodney Chisholm has pleaded not guilty to a murder charge and five felony theft counts linked to stolen farm equipment that authorities say they found in his possession. Stenehjem said it’s difficult to draw conclusions from the homicide total, which is down five from 2009.

“I always caution people to remember that when you have a relatively low homicide rate like North Dakota does, the figures can go all over the port,” Stenehjem said.

There were four killings reported in 2008 and a decade high of 17 in 2007, he said.

No homicides have been reported this year in Fargo, the state’s largest city, but trial was held in 2010 for a man accused in one of the city’s most peculiar killings. Michael Nakvinda of Oklahoma City was convicted for the 2009 murder of Fargo dentist Philip Gattuso in an alleged murder-for-hire scheme.

Authorities believe that Nakvinda was hired by Gattuso’s former father-in-law, Gene Kirkpatrick, because Kirkpatrick was unhappy that Gattuso was raising his granddaughter. Nakvinda, who was Kirkpatrick’s handyman, beat Gattuso to death with a hammer, police said.

“The murder-for-hire aspect is very unusual,” prominent Fargo attorney and former prosecutor Bruce Quick said before the trial. “I can’t think of any in the 30-plus years I’ve been around doing this. Usually the motive tends to be anger.”

Fargo averages one homicide every two or three years, police Sgt. Mark Lykken said. “In most cases they know their victims,” Lykken said. “We normally start investigating small in inner circles and work our way out.”

RESTAURANT

Guest Check

DAILY SPECIALS

MONTH

Mon-Sat 11am-2pm

\$6<sup>25</sup>

Yesterday's Cafe

23rd & Broadway • Yankton 665-4383



BUSINESS BANKING.  
WE'RE THE ONE.™



In today’s business climate, you need a skilled banker who has the resources to help make your business a success. Whether you need a loan or are looking for a more efficient way to handle your finances, **Scott Larsen** (left) and **Justin Wagner** (right) can help you determine which products and services will work best for you and your business. When it comes to the best business banking experience, WE’RE THE ONE™.



First National Bank South Dakota

332 Broadway, Yankton, SD • 605-665-9611 • www.fnbsd.com