

S.D. First Human West Nile Case Of Season

PIERRE (AP) — South Dakota has its first confirmed human case of West Nile virus this season. Health officials say the virus was detected in a Beadle County blood donor who was not ill. The person is between 20 and 29 years old. State Epidemiologist Lon Kightlinger urges South Dakota residents to protect themselves against the virus through such measures as limiting exposure to mosquitoes and using insect repellents. The peak West Nile virus period in South Dakota is July through early September. The state has had nearly 1,800 cases including 26 deaths in the past decade.

Diesel Fuel Spills In S.D. Train Derailment

WENDTE (AP) — As much as 40 gallons of diesel fuel spilled in a train derailment in central South Dakota. County emergency manager Rob Fines tells KCCR radio that about half a dozen cars on a Canadian Pacific Railway train went off the tracks near the Stanley County town of Wendte on Thursday night. A maintenance train car on a side rail at the site was struck by the passing train and its diesel tank ruptured. Fines says the spill was contained and crews were working to clean it up.

Minnehaha Opts Out of S.D. Tax Freeze

SIoux FALLS (AP) — Commissioners in Minnehaha County have voted to opt out of the state property tax freeze for \$4 million due to budget issues. KELO television reports (http://bit.ly/Mqqu4L) that the commission whittled down the budget gap to \$2.8 million dollars but decided to go with the higher amount because there could be more changes. The opt-out would result in an owner of a \$150,000 house paying an extra \$50 in property taxes. Crime has increased in the city of Sioux Falls, and many of the increased budget requests have come from public safety departments such as the sheriff's office and state's attorney's office. Sheriff Mike Milstead says he wants an adequate number of deputies on patrol and cars that are roadworthy.

Huron Celebrates Opening Of Health Center

HURON (AP) — Officials in Huron are celebrating the opening of the new James Valley Community Health Center in the city's mall. KOKK radio reports that the 12,000-square-foot facility in the former Osco Drug location at Huron Mall features 12 exam rooms. Howard-based Horizon Health Care has lease agreements with the mall for 30 years. CEO John Mengenhausen says Horizon has applied for federal grants for a number of years to help finance the project. The center is one of 67 projects selected out of 800 grant applications from across the country. Huron Mayor David McGirr says many people who had to travel up to 75 miles to get affordable health care can now receive it in town. McGirr says the center will also have a significant economic impact for Huron.

Town Devastated By Fire Recovering

WILLOW LAKE (AP) — An eastern South Dakota town devastated by a Main Street fire is rebounding a year later. Willow Lake lost four of its nine businesses in the July 2011 blaze and two more were damaged. The state fire marshal concluded that the overnight fire in the town of 300 people was caused by a tree that reignited after a controlled burn of an old elevator. Wayne Tellinghuisen, who owned a construction company that was destroyed, has since built a hotel, and two new businesses next to the hotel are nearing completion. The *Plainsman* newspaper reported. One of them will replace an accounting office lost in the fire. The other will house a grain-marketing business. "Right after the fire, someone asked me what we were going to do, and I said, 'Well, whatever we do, it needs to be finished by the Fourth of July,'" Tellinghuisen said. Willow Lake celebrated its 100th all-class reunion over the holiday and boasts holding the record for the longest-running all-school reunion in the state. More than 500 people attended this year. Tellinghuisen modeled his hotel to look like an Old West saloon. It includes hundreds of historical

photographs from the region, with intricate designs etched into the wood to create an authentic Western look. Tellinghuisen also worked with the city to replace the Main Street sidewalks, making them look like a boardwalk. "A lot of people I've talked to come up to my wife and I with teary eyes, and so that's really nice," Tellinghuisen said. "The insurance paid for part of it, then I had to step up to the plate with the rest," he said. "Hopefully people will start to build more and bring their families here to stay — it's a wonderful community to live in." Kristin Vandersnick, president of the Willow Lake Area Advancement group, which runs a community grocery, said the town has shown an incredible will to survive. "Area residents have pooled together enough local investment to construct a new steakhouse on Main Street, replacing what was lost after the town's only restaurant closed last year," she said. Construction began in May on the "Rusty Nail," which is set to open in September. "The fire was devastating; not only did they rebuild but did it beautifully — better than before," Vandersnick said.

Court OKs Hearing For Convicted Killer

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — A man convicted of first-degree murder for burning his estranged wife to death will get a hearing at which he will try to make the case that his conviction and sentence should be overturned, the Nebraska Supreme Court found on Friday. Francis Seberger was sentenced to life in prison for dousing 34-year-old Debbie Seberger with gasoline and setting her on fire at her Papillion home on May 31, 1997. She died a month later at St. Elizabeth Burn Center in Lincoln. Doctors said her injuries required them to remove both her breasts and amputate her left leg before she died. In March 2010, the state's high court upheld Seberger's conviction, rejecting his arguments that the lower court should not have al-

lowed into evidence statements Seberger made during interrogations at the hospital and at the Papillion police station. Seberger — representing himself — then filed a motion for post-conviction relief, alleging a litany of errors by the court and his trial and appeals lawyers, including that he received bad advice from his lawyer that kept him from testifying on his own behalf. A Sarpy County District Court judge denied Seberger's motion without granting him a hearing. Seberger appealed, saying the lower court should have granted the hearing and that it should have found his trial and appeals

lawyers were ineffective. On Friday, the Nebraska high court rejected Seberger's arguments that the lower court should have deemed his lawyers ineffective, but said he should get a hearing to make his case. "Based upon his allegations, we conclude that Seberger has adequately pled facts which, if true, would have been a violation of his constitutional right to testify in his own behalf," Nebraska Supreme Court Chief Justice Michael Heavican wrote for the high court. "As such, the district court erred when it failed to grant Seberger an evidentiary hearing on this issue."

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