

## Open Meetings Commission

## Panel Rules Against S.F. City Council

BY VERONICA ZARAGOVIA

Associated Press

SIoux FALLS — The Sioux Falls City Council violated state laws, according to a vote of the South Dakota Open Meetings Commission.

The commission voted Thursday to publicly reprimand the council for firing a public employee last year without explaining the cause for the vote.

On Sept. 14, 2010, the council voted to fire former City Clerk Debra Owen behind closed doors during a special meeting.

The council's agenda disclosed it would take up a "personnel matter" and then reconvened publicly to vote 5-3 on the issue, said Jon Arneson, a Sioux Falls lawyer.

At the time no one in the public knew the vote involved Owen's termination, said Arneson, who represents The *Argus Leader* newspaper.

The state's largest newspaper, based in Sioux Falls, filed a complaint with Minnehaha County State's Attorney Aaron McGowan about the council's action after it took the September vote.

During Thursday's meeting, Arneson said council members can choose to privately discuss the extent of their disappointment with an employee but choosing to hire or fire a public employee requires formal action, as mandated by public open meetings laws.

Arneson said people who pursue jobs with government bodies must be comfortable with exposing their life to the public as a consequence of earning salaries from taxpayers' dollars.

John Steele, Aurora County state's attorney, said because Owen was a high-ranking official in the city, the action could not be done in private. "This is not the firing of an assistant janitor at City Hall," Steele said.

But City Attorney Dave Pfeifle said public workers live in a "fish bowl" and a termination should remain private.

"The public interest is best served when you allow personnel matters to take place in a confidential, closed, executive session without the invasion of privacy of the particular employee," Pfeifle said, who added that it's also best for "public bodies to organize and staff themselves without all of this becoming public."

After both arguments, the five state's attorneys on the Open Meetings Commission voted 4-1 to reprimand the council.

"We're very pleased with the vote," *Argus Leader* Executive Editor Maricarroll Kueter said. "I hope that the City Council takes it as reinforcement of the belief that public bodies should act in public and that they look at everything they do through that prism."

## Beer Sales Plunge Near Reservation

LINCOLN, Neb. (AP) — Alcohol sales have plunged in a tiny Nebraska border town blamed for widespread alcoholism on a South Dakota American Indian reservation.

New data obtained by The Associated Press from Nebraska Liquor Control Commission show the number of beer and malt liquor cases sold in Whiteclay fell 13 percent in 2011, reversing years of increases in the town that borders the Pine Ridge Indian Reservation.

No one was sure what caused the drop. Officials and a store owner say it could be law enforcement, alcohol programs or financial problems.

The town's four beer stores still sold the equivalent of 4.3 million, 12-ounce cans. Critics say Whiteclay feeds alcohol problems on the South Dakota reservation only 200 feet away.

The estimated number of cases sold has increased each year since 2007.

## Effort To Speed Up Keystone XL Pipeline Project Blocked In Senate

BY MATTHEW DALY

Associated Press

WASHINGTON — Under pressure from the White House, the Democratic-controlled Senate on Thursday blocked a Republican bid to speed approval of an oil pipeline from Canada to Texas.

The 56-42 vote came after President Barack Obama called Democratic senators to lobby them to oppose the 1,700-mile Keystone XL pipeline, which would carry tar sands oil from western Canada to refineries along the Texas Gulf Coast.

Even so, 11 Democrats sided with Republicans to sidestep Obama's rejection of the pipeline and allow the \$7 billion project to go forward. Sixty votes were needed for approval.

Senate Minority Leader Mitch McConnell, R-Ky., blasted Obama after the vote.

"President Obama's personal pleas to wavering senators may have tipped the balance against this legislation. When it comes to delays over Keystone, anyone looking for a culprit should now look no further than the Oval Office," McConnell said.

Democratic opposition to the pipeline "shows how deeply out of touch they are with the concerns of

middle-class Americans," McConnell added.

White House press secretary Jay Carney confirmed that Obama called senators, but did not identify them.

"The president believes that it is wrong to play politics with a pipeline project whose route has yet to be proposed," Carney said, referring to a yet-to-be-settled route that would avoid the environmentally sensitive Sandhills region in Nebraska. Obama had cited uncertainty over the Nebraska route in rejecting the pipeline in January. The president said there was not enough time for a fair review before a deadline forced on him by Republicans.

Carney dismissed GOP claims that the pipeline would ease rising prices at the gas pump as "false advertising."

Carney called the Republican proposal "ineffectual sham legislation that has no impact on the price of gas and is irresponsible because, as we said before, it tries to legislate the approval of a pipeline for which there is not even a route." The State Department initially had blocked the project in November, citing concerns about a proposed route through the Sandhills.

Pipeline supporters, including congressional Republicans, the oil

industry and some labor groups, have been attacking Obama for blocking the pipeline, which they say could create thousands of jobs and provide a stable source of oil from a close neighbor and ally.

Democrats and environmental groups counter that the pipeline would transport "dirty oil" that takes huge amounts of energy to extract, adding to the pollution blamed for global warming. They also worry about a catastrophic oil spill.

Senate Majority Leader Harry Reid of Nevada said the Republican amendment, sponsored by Sen. John Hoeven of North Dakota, would have short-circuited the process needed to plan the best route for the pipeline.

"If Republicans truly want to move ahead with this pipeline, they should stop treating it like a political football," Reid said, noting that the GOP inserted a pipeline provision into an unrelated tax bill in December. It was that bill that led to Obama's rejection of the pipeline in January.

The pipeline operator, Calgary-based TransCanada, said last month it would build a portion of the pipeline from Oklahoma to Texas. That 485-mile line from Cushing, Okla., to Port Arthur, Texas, does not require presidential approval because it does not cross a U.S. border.

## OBITUARIES

## Jerome Wuebben

Jerome Wuebben, a U.S. Army veteran and long-time employee of Gurney's Seed and Nursery, died on Tuesday, March 6, 2012. He was 84.

A Mass of Christian Burial will be held at 10:30 a.m. on Saturday, March 10, 2012, at Sacred Heart Catholic Church in Yankton, with the Rev. Dan Smith and Rev. Dan Guenther officiating. Burial will be in the Sacred Heart Cemetery, Yankton with military graveside rites by Ernest Bowyer VFW Post #791 Honor Guard and SDARNG, Sioux Falls, SD.

Visitations will begin at 5 p.m. Friday, March 9, 2012 at the Opsahl-Kostel Funeral Home and Crematory, Yankton with 7 p.m. rosary followed by a 7:30 p.m. Scripture Service. A final visitation will be held Saturday at 9:30 a.m. at Sacred Heart Catholic Church.

Pallbearers will be his grandsons: Michael, Matthew and Christopher Amon, James, Jeremy, Benjamin, Nicholas and Eric Wuebben, and Brian Pauling.

Jerome Leo Wuebben was born Sept. 29, 1927 in a farmhouse near St. Helena, Neb. He was the third child of 10 for Bernard and Josephine (Weber) Wuebben, who grew a number of crops and raised livestock on



Wuebben

about 240 acres. They were descendants of one of St. Helena's founding families.

Jerome attended school through the eighth grade at Immaculate Conception Catholic Church in St. Helena. He then worked full-time on the farm with his father, often traveling to Sioux City to sell livestock.

He was drafted into the Army in July 1945, shortly before the end of World War II. After basic training in Missouri, he served more than a year at Fort Lewis near Tacoma, Wash. He returned home to Nebraska to work on the family farm in 1947.

After his father's death in 1948, he formed a partnership called Josephine Wuebben and Sons with his mother and older brother, Clarence, to manage the family's livestock business.

He married Audrey Kleinschmidt of Menominee, Neb. on June 3, 1953 in St. Boniface Catholic Church. They soon moved to Yankton, where he worked at Thompson lumberyard and as a construction worker.

The couple had five children, with whom Jerome enjoyed fishing and hunting.

"Dad was a happy-go-lucky

man who devoted his life to his family," said his daughter, Linda Pauling.

In 1958, he began a 38-year career at Gurney's in downtown Yankton, much of it as a foreman leading the company's maintenance unit. He then worked for Shur-Co in Yankton until he retired.

In 1984, Jerome discovered a box of World War II-era handgrenades behind his Yankton home. He had followed a kitten to a hole beneath his garage and looked inside, thinking he would find a litter. Instead, he found the grenades, which police took and disposed of. The story was picked up by wire services and generated headlines in newspapers across the world.

In his later life, Jerome enjoyed seeing his brothers and sisters at family reunions and spending time with his 13 grandchildren. He watched many of his grandchildren's baseball games, recounted to them tales of his military service and farm life, and taught them to chop wood for the old-fashioned furnace he used to heat his house on Cedar Street.

His grandson, Christopher Amon, said he had a stable of recurring jokes for his grandchildren, including asking "What color was George Washington's white horse?" and tricking them into thinking he had 11 fingers.

"He was known for his one-liners," said Jerome's son, Richard Wuebben. "He always had a good joke to tell."

For the past six years, Jerome lived at the Avera Yankton Care Center, where he died.

Jerome is survived by his wife of 58 years, Audrey; his five children: Linda Pauling of Albertville, Minn.; Kenneth and Randa Wuebben of Yankton; Mary and Robert Amon of Yankton; Ronald Wuebben of Yankton; and Richard and Ellyn Wuebben of Sioux Falls; 13 grandchildren; seven great-grandchildren; three brothers: Clarence Wuebben of Edon, Ohio; Gerald Wuebben of Gayville; and Francis Wuebben of Sioux Falls; four sisters: Loretta Leise of Englewood, Colo.; Helen Carlson of Wausa, Neb.; Roseanne Kleinschmidt of Wausa, Neb.; and Clara Dodson of Collinsville, Okla.; and numerous nieces and nephews.

He was preceded in death by his parents and two sisters, Leona and Hilaria.

Yankton Press & Dakotan  
March 9, 2012



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## GOPer's Son To Run As Democrat

PIERRE (AP) — The son of a former Republican leader in the South Dakota Legislature is running for a state House seat as a Democrat.

Mike Knudson of Sioux Falls is running as a Democrat for a District 12 House seat. He is the son of former Senate Republican Leader Dave Knudson and former

Sioux Falls City Council member De Knudson.

Knudson works for a health-care system based in Sioux Falls.

The only person officially designated so far as a House candidate in the district is Republican Rep. Manny Steele of Sioux Falls, who is seeking a fourth term in the House.

## IN REMEMBRANCE

Leonard E. Snook

2:00 PM, Saturday  
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Hartington

Arnold Anderson

10:30 AM, Saturday  
Trinity Lutheran Church  
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## Funeral For Sen. John Thune's Mother Set

SIoux FALLS (AP) — The visitation and funeral for U.S. Sen. John Thune's mother has been set.

Yvonne Patricia "Pat" Thune died Wednesday morning. She was 90.

Visitation will be Friday from 6 to 8 p.m. at the Community Bible Church in Murdo. The funeral will be held at 1 p.m. on Saturday at the Murdo Methodist Church.

The Isburg Funeral Home in Pierre is in charge of funeral arrangements.

## Teen Accused Of Driving 101 mph On I-90

MITCHELL (AP) — Police in Mitchell arrested a 16-year-old Sioux Falls girl over the weekend for allegedly driving more than 100 mph on Interstate 90.

The *Daily Republic* reports that Katie Lynn Azure was arrested shortly after 10:30 a.m. Saturday. Authorities allege she was drunk, had drug paraphernalia in her vehicle and was driving 101 mph.

Azure is due in court later this month on charges of driving under the influence, possession of drug paraphernalia, having an open alcohol container in a vehicle and speeding.

## 4th Suspicious Grass Fire Found Near Pierre

PIERRE — A fourth suspicious grass fire has been identified in South Dakota's Stanley County.

Authorities say a sheriff's deputy found the burn site north of the Oahe Dam on Tuesday night. The fire had already burned itself out.

Three other fires in the past month have been deemed suspicious. No buildings have been threatened.

## UNL Chancellor Clarifies Public Speaking Rules

LINCOLN, Neb. (AP) — A University of Nebraska-Lincoln spokeswoman said Thursday that Chancellor Harvey Perlman will have no further comment on a letter he sent to three newspapers regarding NU assistant football coach Ron Brown.

Brown testified before the Omaha City Council this week in opposition to an ordinance that would ban discrimination on the basis of sexual orientation.

University spokeswoman Kelly Bartling said Thursday that the letter, sent to the *Omaha World-Herald*, the *Daily Nebraskan* and the *Lincoln Journal Star*, speaks for itself and that the chancellor would have no further comment. She also would not comment when asked whether Brown faces any repercussions for his testimony.

In the letter, Perlman said Brown's comments were not the position of the university.

"The Board of Regents of the University of Nebraska has made it clear that the university does not discriminate on the basis of sexual orientation," he wrote. "And only the board can speak on university policy and practices."

"Several people have written me asking if his (Brown's) remarks represent the position of the university. I want to be clear that they do not."

Perlman said the university defends the right of its faculty and students to participate in public dialogue and to express their personal views, but they need to make it clear that they are speaking for themselves, not the university.

"Unfortunately in this instance, Coach Brown did not make it clear in his comments that he was asserting his personal viewpoint and not representing the university," Perlman said. "I have asked him to make that clarification explicitly in the future."

## EPA, Wyoming Plan More Groundwater Testing

CHEYENNE, Wyo. (AP) — The state of Wyoming and U.S. Environmental Protection Agency have agreed to additional testing of groundwater that the agency says may have become contaminated by gas development including hydraulic fracturing.

They've also agreed to postpone a scientific peer review of a draft EPA report on the contamination until after the additional sampling and analysis. The peer review was scheduled to begin this month.

Gov. Matt Mead said Thursday that the U.S. Geological Survey will conduct two more rounds of testing in the Pavillion area in central Wyoming before July.

Hydraulic fracturing, or fracking, uses pressurized water, sand and chemicals to crack open fissures within wells and improve the flow of oil and gas. The report released in December was the first time the EPA said fracking may have polluted area groundwater.

## N.D. Now 3rd Biggest Crude-Producing State

BISMARCK, N.D. (AP) — North Dakota has overtaken California as the third-largest oil-producing state in the nation.

Production totals released Thursday by both states show North Dakota pumped 16.9 million barrels of oil in January, compared with California's 15.8 million barrels. North Dakota had a daily average of 546,000 barrels, besting California by more than 36,000 barrels.

Oil production data typically lags at least two months.

A record 152.9 million barrels of crude was produced in North Dakota last year, up almost 40 million more barrels than the previous record set a year earlier, the state Industrial Commission said.

North Dakota's January oil production was up 11,000 barrels from December. California's January total slipped about 900,000 for the month, and nearly 37,000 barrels daily, records show.

North Dakota had a record 6,600 wells producing in January, up about 200 from the previous month. California had more than 49,000 active wells, records show.

A record 205 rigs were drilling in North Dakota's oil patch on Thursday.



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