

**2010 Legal and Public Notices**

**NEW BUSINESS:**  
Malt Beverage Renewal - Lanies Motion Frank, send Bierle to approve the renewal. Motion carried.

100 Will & Ray Vacant Lot - Julie Fischer  
Julie Fischer asked questions regarding the towns policy for turning on & shutting off water/sewer.

**OTHER:**  
Board Members will be attending a Public Officials Workshop at Yankton Fire Station #2 on May 15.  
Paul Bloch was thanked for dedicating his time and service to the Town the past 15 years.

Paul Scherschligt reported two new urinals are needed for the ballpark. Trustee Frank will take care of it.

**ADJOURNMENT:**  
Motion Bierle, second Frank to adjourn the town board meeting at 8:00 pm. Motion carried. Next monthly meeting of the Lester-ville Town Board is scheduled for June 9, 2014 at 7 pm in the fire hall room.

Janelle Munkvold  
Finance Officer  
Published once at the approximate cost of \$63.23.

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# Bankruptcy Trial Begins In Claim Against Northern Beef

BY BOB MERCER  
State Capitol Bureau

PIERRE — A federal bankruptcy trial opened Tuesday over a \$2.1 million claim against Northern Beef Packers by the contractor who did the dirt work seven years ago for the now-bankrupt processing plant at Aberdeen.

Dennis Hellwig, who founded Northern Beef in 2006 and later sold it, said Tuesday he didn't have any previous experience with such a large project but he had overseen large expanses of concrete work as an operator of livestock auction markets.

During three hours on the witness stand, Hellwig repeatedly said Tuesday he either didn't know or couldn't recall details about arrangements with Scott Olson Digging Inc. of Huron.

Hellwig said Northern Beef paid approximately \$3.1 million to \$3.2 million to Scott Olson Digging for work performed in late 2006 and 2007.

He said Scott Olson personally came to the project trailer one day and presented a claim to Hellwig and two other Northern Beef officials seeking \$2 million more, with \$1 million to be paid immediately.

"I said that was kind of a surprise to me," Hellwig said.

The trial is expected to run through at least Friday. Hellwig's testimony presented an overview of how the project came together.

He was asked whether he had financing in place for the project when he personally wrote a \$75,000 check to Scott Olson Digging in 2006 to start staging crews for the work. One of his attorneys objected as to relevancy and federal judge Charles Nail told Hellwig he couldn't answer.

Hellwig said he purchased farmland south of Aberdeen near the municipal water plant in 2006. Meanwhile, he and Norg Sanderson of Aberdeen interviewed Bob Breukelman of Huron at Hellwig's office and hired Breukelman in 2006.

Hellwig said Breukelman was given respon-

sibility to run the project, hire personnel and arrange for contractors. Breukelman convinced Hellwig the plant should be expanded to handle 1,500 head of cattle per shift from the original plan for 700, according to Hellwig.

Hellwig said Breukelman hired Don Ulmer of South St. Louis, Missouri, to serve as controller and former Aberdeen city engineer Francis Brink to develop the ground preparation plan for the site.

Independent truckers paid by Scott Olson Digging hauled fill from a series of three locations near the site. Hellwig said the project became more difficult after a 2007 storm led the Federal Emergency Management Agency to direct the plant be raised two feet.

Hellwig said Ulmer didn't have independent authority to pay bills. "I did some. Bob did the most," Hellwig said.

Breukelman and Hellwig sat together throughout the proceedings. Ulmer watched from the back of the courtroom. Breukelman and Ulmer are scheduled to testify later in the trial.

Four of the truckers testified Tuesday they were paid by the hour by Scott Olson Digging and they submitted weekly tallies of their loads each day. Their records were introduced as evidence in support of the \$2.1 million claim.

Harlan Young, as a witness for Northern Beef, said he secretly installed a camera that recorded trucks hauling fill from one of the Young family's dirt sites. He said the load numbers submitted by Scott Olson Digging were "pretty close" to what his camera showed.

Hellwig bought the land for the plant from the Youngs. Harlan Young said the family was supposed to receive an additional \$70,000 from Northern Beef after Northern Beef sought some modifications to the contract.

Young said the \$70,000 amount was to cover the changes and to cover some underpayment from Scott Olson digging. Young said the family received \$35,000. "But through their financial problems, we never did get the rest of it," he said.

## South Dakota

# High Court Hears 2nd Appeal In Death Sentence

BY NORA HERTEL  
Associated Press

PIERRE — The lawyer for a man given a death sentence for killing a prison guard told the South Dakota Supreme Court on Tuesday that a lower court should have allowed evidence about his client's new relationship with his son before resentencing him.

Attorney Jeff Larson said Rodney Berget did not previously have a relationship with his son because he thought the young man did not want to be part of his life. The son later reached out to his father's defense team, Larson said.

He said the connection

Berget has made with his son is a testament to Berget's character.

Berget was sentenced to death for the 2011 killing of guard Ronald Johnson during a 2011 escape attempt. The state Supreme Court overturned Berget's initial death sentence because of an error by the judge in the case. The court ruled that a statement Berget made to a psychiatrist was improperly considered.

But Berget was sentenced again to death last year.

Assistant Attorney General Paul Swedlund argued that Berget could have established a relationship with his son sooner. He said Berget's attorney missed his

opportunity to present additional evidence.

"His family has no proper foundation to testify," Swedlund said. He added that testimony by family members could not counter the evidence against Berget in the guard slaying case or his previous cases.

Larson also argued that Berget should not have been sentenced to death without being present when the judge handed down the punishment. He said Berget should have been given the opportunity to speak.

"I didn't think my client would be sentenced to death without seeing the judge face to face," Larson told the jus-

tices inside a packed courtroom.

Berget was serving life sentences for attempted murder and kidnapping when he and another inmate, Eric Robert, attacked Johnson on April 12, 2011 — the prison guard's 63rd birthday — and beat him to death. Johnson was struck with a pipe and his mouth covered with plastic wrap.

Robert then donned Johnson's uniform and tried to push Berget, who was hidden inside a box, outside the gate of the South Dakota State Penitentiary in Sioux Falls.

Robert was executed in 2012 for his part in the crime.

## New Requirements Set For XL Pipeline

WASHINGTON (AP) — Safety regulators have quietly placed two extra conditions on construction of TransCanada Corp.'s Keystone XL oil pipeline after learning of potentially dangerous construction defects involving the southern leg of the Canada-to-Texas project.

The defects — high rates of bad welds, dented pipe and damaged pipeline coating — have been fixed. But the federal Pipeline and Hazardous Materials Safety Administration wants to make sure similar problems don't occur during construction of the pipeline's controversial northern segment, which is on hold pending a decision by the Obama administration.

One condition requires TransCanada to hire a third-party contractor chosen by the pipeline safety agency to monitor the construction and make reports to the U.S. government on whether the work is sound.

The second requires TransCanada to adopt a quality management program to ensure "this pipeline is — from the beginning — built to the highest standards by both Keystone personnel and its many contractors."

The conditions are buried near the end of the 26 appendices in a voluminous environmental impact statement on Keystone XL released by the State Department on Jan. 31.

Most of Appendix Z is devoted to 57 well-known "special conditions" that TransCanada agreed to three years ago. But conditions 58 and 59 are listed on an additional page.

"Everybody looked at that appendix and said, 'Oh, 57 conditions. Move on.' Well, there are a couple more there," energy analyst Kevin Book said. "They just added them without saying anything."

## Rounds' Fundraising Pace Slows

SIOUX FALLS (AP) — The fundraising pace for Mike Rounds' campaign for U.S. Senate slowed during the month and a half leading up to the June Republican primary, but the former governor still has the edge in cash on hand.

Federal Election Commission reports show that Rounds raised about \$175,000 between April 1 and May 14. The GOP front-runner during the past year has been averaging about \$615,000 during a full quarter.

Rounds spent about \$558,000 during the period, leaving \$636,000 in his campaign account.

Pre-primary reports for Rounds' four Republican challengers were not immediately posted.

Lone Democratic candidate Rick Weiland raised about \$93,000 during the period, which is consistent with his pace over the past year. The Sioux Falls business owner spent \$268,000 and has about \$310,000 on hand.

## SD Native To Attempt Flight Around World

ABERDEEN (AP) — A South Dakota native is about to embark on a solo flight around the world.

The *Aberdeen American News* reports that Matthew Guthmiller is scheduled to begin his trip Wednesday in California. The Aberdeen man would stop in his hometown that day, too.

Guthmiller plans to make 20 stops in 13 countries on five continents in an attempt to become the youngest pilot to circle the globe solo.

Guthmiller is an Aberdeen Central High School graduate and a sophomore at the Massachusetts Institute of Technology.

The trip can be tracked on Guthmiller's website [www.limitless-horizons.org](http://www.limitless-horizons.org).

## Mountain Lion Sighting A False Alarm

KEARNEY, Neb. (AP) — Nebraska wildlife officials have determined that a reported mountain lion near The Archway in Kearney was actually just a dog.

The *Kearney Hub* reports that a man fishing on a lake north of the monument, which spans Interstate 80 at Kearney, called Kearney police around noon Sunday to report seeing a mountain lion in the area.

Local law enforcement officers and a conservation officer from the Nebraska Game and Parks Commission searched the area and found a set of animal tracks, but determined those tracks came from a dog, not a cougar.

Dale Johnson, a Buffalo County conservation officer, took photographs of the animal's tracks and will forward them to a state biologist for a second opinion.

5+28

### INSTRUCTIONS TO THE VOTERS TO MARK THE BALLOT

Fill in the oval ( ) next to the name or ballot question. Use only the pencil or marker given to you!

Do not make any marks other than filling the oval.  
Do not erase anything on your ballot.  
Do not rip your ballot or make holes in it.  
Do not write in a name.

**IF YOU MAKE A MISTAKE**  
If you make a mistake, give the ballot back and get a new one.

If you cast more votes than allowed in a race, give the ballot back and get a new one.

**TO RETURN THE BALLOT AFTER VOTING**  
Put the ballot in the holder so the ballot stamp shows and take to the ballot box.

**IF YOU NEED HELP, ASK.**

The instructions to be published with the facsimile ballot for primary and general elections must be in the following form:

### INSTRUCTIONS TO THE VOTERS VOTING RIGHTS

Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person they choose to help them vote.  
Any voter may ask for instruction in the proper procedure for voting.  
Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.

If your voting rights have been violated, you may call the person in charge of the election at 605-260-4400 Ext 0, the Secretary of State at 888-703-5328, or your state's attorney at 605-665-4301.

A felon who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. Felons so sentenced may register to vote following completion of their sentence. Further information is available at [www.sdsos.gov](http://www.sdsos.gov).

### ELECTION CRIMES

Anyone who makes a false statement when they vote, tries to vote knowing they are not a qualified voter, or tries to vote more than once has committed an election crime.

Source: 27 SDR 146, effective July 9, 2001; 28 SDR 99, effective January 17, 2002; 29 SDR 177, effective July 2, 2003; 30 SDR 171, effective May 10, 2004; 32 SDR 109, effective December 26, 2005; 32 SDR 225, effective July 3, 2006; 36 SDR 209, effective June 30, 2010.

General Authority: SDCL 12-1-9(3), 12-1-9(9).

Law Implemented: SDCL 12-16-23, 12-16-25, 12-4-18, 23A-27-35, USC 1973gg-6(g).

REPUBLICAN PRIMARY ELECTION BALLOT		FACSIMILE BALLOT - SAMPLE		DEMOCRATIC PRIMARY ELECTION BALLOT		FACSIMILE BALLOT - SAMPLE	
June 3, 2014		South Dakota		June 3, 2014		South Dakota	
Yankton County		Yankton County		Yankton County		Yankton County	
<p><b>INSTRUCTIONS TO THE VOTER:</b></p> <p>To vote for a person <b>FILL IN</b> the oval ( ) next to the name. Use only a pencil or pen.</p> <p>If you make a mistake, give the ballot back and get a new one.</p> <p><b>DO NOT</b> cast more votes than are allowed in each race.</p>		<p><b>Republican</b></p>		<p><b>INSTRUCTIONS TO THE VOTER:</b></p> <p>To vote for a person <b>FILL IN</b> the oval ( ) next to the name. Use only a pencil or pen.</p> <p>If you make a mistake, give the ballot back and get a new one.</p> <p><b>DO NOT</b> cast more votes than are allowed in each race.</p>		<p><b>Democrat</b></p>	
<p><b>For United States Senator</b> You may vote for <b>one</b> or leave it blank.</p> <p><input type="radio"/> Stace Nelson</p> <p><input type="radio"/> Mike Rounds</p> <p><input type="radio"/> Dr. Annette Bosworth</p> <p><input type="radio"/> Jason Ravensborg</p> <p><input type="radio"/> Larry Rhoden</p>				<p><b>For Governor</b> You may vote for <b>one</b> or leave it blank.</p> <p><input type="radio"/> Susan Wismer</p> <p><input type="radio"/> Joe Lowe</p>			
<p><b>For Governor</b> You may vote for <b>one</b> or leave it blank.</p> <p><input type="radio"/> Lora Hubbel</p> <p><input type="radio"/> Dennis M. Daugaard</p>							
<p><b>For State Senator District 18</b> You may vote for <b>one</b> or leave it blank.</p> <p><input type="radio"/> Matt Stone</p> <p><input type="radio"/> Thomas Bixler</p>							

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