

Breukelman Says Aberdeen Contractors 'Colluded' By Submitting Joint NBP Bid

BY BOB MERCER
 State Capitol Bureau

PIERRE — Bob Breukelman, the man who oversaw construction of Northern Beef Packers at Aberdeen, began testimony Wednesday in day two of a trial in federal bankruptcy court over a claim that a contractor is still owed \$2.1 million.

Breukelman said he approached Scott Olson Digging Inc. of Huron after three "reputable" Aberdeen contractors "colluded" by submitting a joint bid in 2006 to perform the dirt work on the 19 acres that were to be disturbed.

Northern Beef shut down last summer after less than one year of operation and declared bankruptcy. The White Oak investment group based in San Francisco purchased the property in federal bankruptcy court. The plant remains closed.

During the initial phase of the project eight years ago, a pre-bid conference was held with Lien Transportation, Dahme Construction and Jacobs Construction for the land preparation work prior to construction,

according to Breukelman. He said they returned with a single bid.

"Past experience, we did not feel comfortable," Breukelman said. Wanting a comparison, Breukelman — who's from Huron — said he contacted Scott Olson at Olson's office in Huron.

Within seven to 10 days, Olson proposed a contract to Dennis Hellwig, the Aberdeen livestock market owner and the founder of the packing project, according to Breukelman.

Breukelman said Wednesday he wasn't involved in development of the contract and didn't see it before Olson presented it to Hellwig.

During his testimony, Breukelman was about 10 feet away from Olson in the courtroom.

Hellwig accepted Olson's bid and wrote a check for \$75,000 to Olson as earnest money to begin staging crews and equipment for the project, according to Hellwig's testimony Tuesday.

The contract was dated Oct. 20, 2006. Hellwig said Northern Beef has already paid \$3.1 million to \$3.2 million to

Scott Olson Digging. The three Aberdeen contractors hadn't been told a firm no yet on their joint bid.

"We didn't reject it at the time. We told them we'd come back at a later date," Breukelman said.

He said the contract was "a little open-ended" because of some points that weren't covered. Breukelman said Olson based his contract on figures developed by the three Aberdeen contractors.

Breukelman is scheduled to continue his testimony today (Thursday) as the Northern Beef lawyers finish presenting their case.

Among their other witnesses today will be Francis Brink, the retired Aberdeen city engineer who did the initial survey work and the site preparation plan.

Scott Olson Digging's lawyers will present some witnesses this afternoon (Thursday) as time allows and will continue making their case Friday.

Federal bankruptcy Judge Charles Nail Jr. said he's aiming for the trial's conclusion by mid-afternoon Friday.

Black Hills Tornado Rated EF-1

RAPID CITY (AP) — The National Weather Service in Rapid City says the tornado that touched down in the central Black Hills was an EF-1.

The weather service on Wednesday said winds reached 110 mph. Severe thunderstorms Tuesday afternoon spawned the tornado.

The twister was on the ground for 2.5 miles and was 300 yards wide. It uprooted and snapped many large Ponderosa Pine trees and caused minor roof damage to a house. No injuries were reported.

The weather service says an employee in the Black Hills National Forest spotted the funnel cloud touch ground about 1:15 p.m. MDT.

The storm system also produced hail up to the size of golf balls near Keystone, Hill City, Pactola Reservoir and Sheridan Lake.

Number Of Farms, Ranches Stable

SIoux FALLS (AP) — The U.S. Department of Agriculture says the number of farms in South Dakota remained stable in 2013.

The department tallied 32,000 farms and ranches in the state, the same number as in 2012.

Land in farms and ranches totaled 43.3 million acres last year and the average size of operation was 1,353 acres.

The department says the number of farms and ranches with less than \$100,000 in agricultural sales declined by 200 compared to 2012, while operations with more than \$100,000 increased by 200.

US Attorney Releases Annual Report

SIoux FALLS (AP) — The annual report of the office of the U.S. Attorney in South Dakota is underscoring a number of convictions in sex trafficking cases.

U.S. Attorney Brendan Johnson on Wednesday announced the release of the 2013 report.

Johnson says human trafficking continued to be a priority. The document highlights the conviction of a defendant in a sex trafficking case who received three life sentences.

The report states that three defendants received sentences of 33 1/2 years, 30 years, and 10 years. Eleven more people were indicted on sex trafficking and related charges, while others were convicted and scheduled for sentencing.

Johnson says the accomplishments of his office were significant despite staff reductions and other changes due to automatic federal budget cuts known as sequestration.

SF Residents To Vote On School Start

SIoux FALLS (AP) — A parents' group in favor of changing the starting date of Sioux Falls public schools has submitted enough valid petition signatures to force a public vote.

School District Business Manager Todd Vik says the vote will be during the school board election next spring.

The board has scheduled the start of school in each of the next four years for mid-August, before Labor Day. The petition calls for starting school in mid-September, after the holiday.

Clinics Set Up To Combat Pertussis

PIERRE (AP) — South Dakota's Health Department has organized two pertussis vaccination clinics in the western Black Hills, after an outbreak of the disease better known as whooping cough.

Shots were being given in Rapid City on Wednesday, and a clinic was scheduled Thursday in Spearfish. The clinics are targeted at infants, children, adolescents and pregnant women who are not current with their pertussis vaccinations.

State Epidemiologist Lon Kightlinger says if people aren't sick there's no need for them to see a doctor. He says officials are instead encouraging people to check their immunization status, and get a shot if they're not up to date.

More than one-third of the 29 cases of pertussis so far this year in South Dakota have been in the Black Hills.

Nebraska

Court Hears Arguments In Same-Sex Divorce Case

BY GRANT SCHULTE
 Associated Press

LINCOLN, Neb. — A same-sex divorce case involving two women legally married in Iowa is now in the hands of the Nebraska Supreme Court, which could decide whether the state has to recognize their relationship.

The court heard arguments Wednesday in the case of Bonnie Nichols, a Raymond woman who married her longtime partner, Margie Nichols, in 2009. Bonnie Nichols filed for divorce in Lancaster County last year, but a judge ruled there that the court couldn't grant a divorce without acknowledging the marriage.

Same-sex marriages began in Iowa in 2009, after the state's Supreme Court struck down a law that defined marriage as the union of one man and one woman. Nebraska doesn't recognize

same-sex marriages, civil unions or domestic partnerships because of a constitutional amendment that was overwhelmingly approved by voters in 2000.

Bonnie Nichols' attorney, Megan Mikolajczyk, said the U.S. Constitution's "full faith and credit" clause requires Nebraska to recognize the marriage.

"The Nebraska Constitution may not be used or applied in a matter that is inconsistent with the federal Constitution," Mikolajczyk said. "... The validity of the marriage in Iowa is not at issue in this case, and the full faith and credit clause is clear."

The Nebraska attorney general's office, in a friend of the court brief, argued that allowing the divorce would run afoul of the constitutional amendment. The attorney general's office was not involved in the marital dispute but intervened

because of the potential statewide impact.

Granting the divorce "would in effect disenfranchise 70 percent of Nebraska's voters (who voted for the amendment), and recognize something that hasn't been recognized by the U.S. Supreme Court itself," said Assistant Attorney General James Smith.

The U.S. Supreme Court last year struck down part of the federal anti-gay marriage law, the Defense of Marriage Act, which had kept legally married same-sex couples from receiving tax, health and pension benefits available to other married couples. The court did not address similar state laws that are in effect.

The latest state to allow gay and lesbian marriages is Pennsylvania, where a federal judge deemed that state's statutory ban unconstitutional and the Republican governor said that he

would not appeal and instead let the decision take effect. Pennsylvania became the 26th state where same-sex couples can get married or a judge has ruled they ought to be allowed.

Several Nebraska Supreme Court judges asked Wednesday about technical and procedural aspects of the case, a possible sign that they could decide without ruling directly on same-sex marriage.

The American Civil Liberties Union of Nebraska and Legal Aid of Nebraska have also filed friend of the court briefs in support of the appeal. Both groups argued that the divorce could be handled without delving into the constitutionality of Nebraska's ban of same-sex marriage, and that not letting courts hear such cases violates the due process and equal protection clauses of the U.S. Constitution.

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Quilt Tour in Grand Rapids	8/18/14	8/23/14
What's Cooking in Clarksville Culinary Tour	9/8/14	9/13/14
Mackinac Island & Upper Peninsula	9/12/14	9/17/14
Cranberry Festival	9/25/14	9/28/14
New England	9/25/14	10/10/14
Autumn in Duluth & The North Shore	9/29/14	10/2/14
Norsk Hostfest	9/30/14	10/3/14
Norsk Hostfest	10/2/14	10/5/14
Des Moines Quilt Show	10/3/14	10/4/14
Coulee Highlights of Wisconsin	10/8/14	10/11/14
Christmas in Branson	11/14/14	11/19/14
Christmas in Branson	12/1/14	12/6/14
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