

Council Clears Way For Ride Services

SIoux FALLS (AP) — City Council members in Sioux Falls have approved rules to enable ride-hailing services such as Uber to operate in the city.

The decision isn't popular with taxicab and limousine drivers who feel they aren't being treated fairly. But Councilman Dean Karsky says it fosters free enterprise.

The council on Monday voted 7-1 to establish a separate category in the city's vehicle-for-hire ordinance and a unique licensing system for services that use cellphone apps to connect drivers with ride-seekers.

Those drivers won't need an individual city license like traditional cabbies, but a service such as Uber will need a \$1,500 license to cover anyone driving for them. They also must do background checks on drivers, and would have to submit license numbers for drivers to the city once a month for oversight purposes.

The new rules also remove a requirement that drivers-for-hire get their vehicles inspected yearly by a certified mechanic, though self-inspections would be mandatory.

Tallie Kinsley, co-owner of Yellow Cab, said that having different sets of rules for traditional taxi companies and ride-hailing services creates an unfair advantage.

"It's detrimental to my business," Kinsley said. "They are competing directly against us in our industry without having to follow the rules."

Uber spokeswoman Jaime Moore said the new rules open the door for services to come to Sioux Falls, but said there's no timeline at this point. The company said earlier this year that previous rules could prevent it from launching in the city.

Moore said in an email that Uber looks "forward to continuing to work with the city."

Former Police Officer Convicted Of Rape

CANTON (AP) — A former police officer in South Dakota has been found guilty of raping a minor.

A jury in Lincoln County returned the verdict against Marty Banghart Tuesday. The Lincoln County State's Attorney's office says Banghart was found guilty of first-degree rape of a victim under the age of 13 and acquitted on accompanying charges.

Banghart previously worked as a police officer in Corsica and Centerville. He faces a mandatory minimum sentence of 15 years in prison.

Banghart is in custody at the Minnehaha County Jail. A sentencing hearing has not been scheduled.

It wasn't immediately clear Tuesday if Banghart has an attorney who could comment on the case.

Feds Sue Agency Alleging Discrimination

RAPID CITY (AP) — The Justice Department has filed a lawsuit against the South Dakota Department of Social Services alleging that it repeatedly discriminated against well-qualified Native American job applicants because of their race.

The lawsuit filed Tuesday in federal court in Rapid City states that over two years beginning in 2010, the state agency posted 18 specialist vacancies for its office on the Pine Ridge Indian Reservation, receiving nearly 40 percent of its applications from Native Americans. But, federal authorities say, the department hired 11 people who are white and only one Native American, and removed six other openings entirely.

The department's spokeswoman didn't immediately return a phone message seeking comment on the complaint.

The lawsuit asks the court to order the department to adopt a selection process that complies with federal law.

Prison Working On Riot Recommendations

LINCOLN, Neb. (AP) — Nebraska prison officials say they're still working to comply with the recommendations of a report that evaluated what went wrong during a May riot that left two inmates dead.

Corrections Director Scott Frakes announced Tuesday that prison officials have completed 13 of the 83 recommended actions, and are making progress on others.

The recommendations were outlined in a June 29 incident report detailing how the riot unfolded at the state prison in Tecumseh. The incident caused thousands of dollars in damage, and two convicted sex offenders were found dead once order was restored.

The recommended steps include an analysis for prison staff, additional training and drills, and reviews of responses to prison disturbances. Prison officials say they've ordered new "weapon resistant" mops and brooms as a safety precaution.

Training Center For Comfort Dogs

GRAND ISLAND, Neb. (AP) — A charity is set to open a training center for comfort dogs in Grand Island.

The Grand Island Independent reports that Lutheran Church Charities recently announced it will start a new training class in January. The charity is based in Illinois and runs the K-9 Comfort Dog Ministry. It says they are looking for volunteers to raise and train the dogs.

The program says volunteers do not need prior training experience to train the dogs who are meant to comfort families and individuals who are suffering pain or loss, and they are deployed to crisis or disaster situations. The charity hopes to have about 12 volunteers to raise the dogs.

Professional trainers will lead the class, which last about two hours each week.

According to Sherry Bolosan, the K-9 Comfort Dog Ministry and Disaster Response administrator, the trainers commit to raising and training two to three golden retrievers over the course of one or two years. The charity takes care of the dogs financially, but each dog lives with its trainer, who is responsible for the animal's socialization, veterinary appointments and exercise.

The training program will be the charity's first outside of Illinois. There are currently three dogs in Nebraska: one each in Cairo, Grand Island and Fremont. K-9 Comfort Dog Ministry and Disaster Response says it has dogs in 18 states, and will soon be in 22 states total.

4 Hospitals Settle Over Heart Device

OMAHA, Neb. (AP) — An Omaha hospital has been included in a settlement with more than 450 hospitals over inappropriate use of a heart device.

The Omaha World-Herald reports that Creighton University Medical Center was named in the settlement, which totals more than \$250 million.

Other Nebraska hospitals included in the lawsuit are Good Samaritan Hospital in Kearney, Nebraska Heart Institute & Heart Hospital and St. Elizabeth Regional Medical Center, both in Lincoln.

The four hospitals currently are owned by CHI Health, but Tenet Healthcare owned Creighton University Medical Center during the period in question.

The U.S. Department of Justice alleges that from 2003 to 2010 each of 457 hospitals in 43 states implanted the devices during periods in the patients' care that are prohibited by federal regulations.

AI Roker To Stop In SD For World Record

SIoux FALLS (AP) — NBC's AI Roker will be in North Dakota and South Dakota next week as he attempts to set the world record for the fastest time ever for reporting the weather from all 50 states and the District of Columbia.

Roker will kick off his world record attempt Friday in Hawaii and plans to hit all states and D.C. in just one week. He will be in Fargo, North Dakota, and Sioux Falls on Monday.

Roker will travel by planes, trains and automobiles. Roker's weather reports will air across NBC platforms, including local affiliates, which in southeast South Dakota is KDLT-TV.

Last year, Roker completed a 34-hour marathon weather forecast that was certified by Guinness World Records as the longest continuous live weather broadcast.

Keystone Backers Look To Obama's Successor To Make The Call

BY JOSH LEDERMAN
Associated Press

WASHINGTON — The company pleading for permission to build the Keystone XL pipeline looked beyond President Barack Obama on Tuesday in apparent hopes a future Republican president would greenlight the project. But the administration signaled it was in no mood to hand off the decision to the winner of the 2016 election.

TransCanada insisted its request for the U.S. to suspend its review of the proposed project had nothing to do with presidential politics even though a delay could thrust the decision a year or more into the future, likely putting it in the hands of Obama's successor. Questioning the motivation for the Canadian energy giant's request, the White House said "there might be politics at play" and Obama still intended to make the decision.

It was an unusual reversal of roles for TransCanada, which complained bitterly for years about Obama's delays before suddenly requesting one of its own. Likewise, Obama's administration, after seven years of delay, seemed to discover a newfound sense of urgency when faced with the prospect of letting the next president make the call.

The State Department, the official arbiter of the pipeline permit, said it was considering

TransCanada's new request but in the meantime the pipeline review would move forward unabated.

"We'd like to finish this review process as swiftly as possible," spokeswoman Elizabeth Trudeau said Tuesday. That was 2,601 days after TransCanada first proposed the \$8 billion project.

For TransCanada, a delay into 2017 might improve the prospects for approval — if a Republican wins the White House. The GOP presidential field is unanimous in its support for Keystone, while Obama has downplayed its benefits and emphasized environmental risks, setting up a high bar for approval.

All of the major Democratic candidates oppose it — including front-runner Hillary Rodham Clinton, who oversaw the early phase of the pipeline review as Obama's first-term secretary of state.

Ahead of TransCanada's request, Keystone supporters had feared Obama would seize on a brief window between Canada's recent elections and the conclusion of global climate talks next month to kill the project in grand fashion, solidifying his environmental bona fides. Obama hopes to make a global climate pact the capstone of his environmental legacy and has sought to show aggressive action to curb carbon dioxide emissions as world leaders prepare to finalize an agreement in Paris.

For Obama, the 1,179-mile proposed pipeline has swelled over the years into a behemoth political hot potato. White House spokesman Josh Earnest said Obama had sought to "shield this process from politics," but the president's many delays have only injected more politics and posturing into the national debate.

Sen. John Hoeven, R-N.D., a vocal Keystone supporter, said it would be inconsistent for Obama to reject TransCanada's request since the company has worked diligently to meet every legal and regulatory hurdle.

"Are they going to have a double standard here? They've held TransCanada up for almost seven years," Hoeven said in an interview.

While most cross-border pipelines take less than 18 months to approve or reject, Keystone's has dragged on since September 2008 — shortly before Obama was elected. In late 2011, Obama announced he would hold off until after the 2012 election, taking the issue off the table for his own re-election fight. When Congress tried to force his hand, he rejected the application but allowed TransCanada to re-apply.

As envisioned, Keystone XL would extend from Alberta's tar sands to Nebraska, where it will connect with existing pipelines carrying crude oil to refineries along

the Texas Gulf Coast. Another delay in 2014, ostensibly prompted by a dispute over the Nebraska route, further pushed the decision until after the 2014 midterm elections.

The pipeline has drawn intense ire from environmental groups who say it's inconsistent with Obama's goal to cut emissions and reduce dependency on fossil fuels. Yet Republicans, energy advocates and other supporters maintain it will create jobs and reduce U.S. reliance on Middle Eastern oil.

TransCanada cited the ongoing legal questions in Nebraska as the reason to delay.

However, the sense of urgency that for years characterized the company's approach may have fallen off recently amid a sharp drop in oil prices. Once topping \$100 a barrel, crude oil has fallen to less than \$50, making the business of extracting and transporting the product much less lucrative. By keeping a decision at bay for another year or more, TransCanada could await a potential resurgence in the price of oil while increasing its prospects for Keystone's approval.

But TransCanada CEO Russ Girling, in a conference call to discuss corporate earnings Tuesday, said Keystone remains economically viable for the company, noting that oil prices are about the same now as they were in 2008 when the company first applied.

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10-year-old Jaeci Clair who was shot in the chest; and 9-year-old Kailey Grace, who was shot in the head.

Jackley said no sedatives were found in Nicole or the children and no medications were found in Scott Westerhuis.

Scott Westerhuis had a blood alcohol content of 0.024, which Jackley said wouldn't seem to have played any role. That was more than twice below the legal limit for drunk driving of 0.08.

No soot was found in any of their lungs, according to Jackley, indicating they were dead before the fire produced smoke.

The deaths occurred just hours after Scott Westerhuis had learned that evening the state Department of Education had terminated a management contract for \$3.4 million annually that Mid Central Education Cooperative held.

Scott Westerhuis was the business manager and Nicole Westerhuis was a grants manager for Mid Central.

Jackley confirmed there is a joint state and federal investigation under way regarding finances of Mid Central and others involved with programs funded through the state Department of Education.

He wouldn't provide details.

The specific program that was terminated, known as GEAR UP, worked to help American Indian students and their families understand what was needed for further education after high school graduation.

The federal Department of Education paid for GEAR UP through a grant to the state

Department of Education, which in turn contracted with Mid Central.

Mid Central paid some people directly and routed some GEAR UP money through other organizations. A state audit of GEAR UP's 2014 finances raised red flags, but state Education Secretary Melody Schopp stood with Mid Central's executive director Dan Guericke and Scott Westerhuis in defending the program.

A follow-up audit of GEAR UP's 2015 finances led Schopp to make the phone call to Guericke on Sept. 17 to tell him the contract was ending.

Schopp has since placed the program under the management of the state Board of Regents, whose members run the state universities system.

Jackley said Tuesday there's no way to know for certain that Scott Westerhuis acted because of the GEAR UP termination.

But, Jackley said, Scott Westerhuis spoke for a combined total of about one hour, spread across more than two hours and at least four calls, with someone regarding GEAR UP that evening, as Westerhuis drove back to Platte from business at Takini school near Howes.

Phone records show the first call began at 6:22 p.m. and was interrupted four times as service came and went, according to Jackley. The other calls from his phone came at 7:36, 8:00, 8:05 and 8:24 p.m.

Jackley wouldn't divulge Tuesday the identity of the other person on the call. Others said later it was Guericke, who had taken the call earlier that day from Schopp.

He said the last outside communication with anyone from the Westerhuis family came through a text at 11:30

p.m. He would say who was involved in the text.

The last known communication involving the family members occurred at 2:57 a.m. Jackley said records show the home's landline was used to call Nicole's cell phone and went to her voice mail.

It lasted 43 seconds. But what was said, if anything, isn't known, according to Jackley.

He said the phone wasn't recovered after the fire and someone terminated the cell phone contracts for the Westerhuises. That made the voice mail message impossible to retrieve, he said.

Mid Central paid for the Westerhuis cell phones, according to Jackley.

Jackley answered questions from citizens and reporters for much of the one-hour meeting. At one point, he was asked about a missing safe.

That was a detail he hadn't volunteered.

Jackley confirmed the safe that Scott Westerhuis kept in the house wasn't recovered after the fire.

Jackley said the fire could have consumed the safe, or it could have been moved before hand by Scott Westerhuis, or someone could have taken it.

The 9-1-1 call from a passerby seeing the fire came at 5:36 a.m.

The fire was so intense the home's levels collapsed upon themselves. Initially investigators thought there were five victims, according to Jackley. "The two little girls — we didn't determine that was two right away," he said.

The body of Scott Westerhuis was found below what had been the kitchen area, near the spot where the dog found the accelerant indication.

At one point Jackley referred in passing to a grand

jury. That likely was how the phone records were obtained, although he said afterward he couldn't speak about whether there was a grand jury.

Audience members didn't get the answers they seemed to want about why the killings happened.

"I can look at facts, I can look at evidence, I don't know what the motivations were," Jackley said. "When it comes to intent, I really can't answer that."

He referred to "very difficult private conversations" he had with the parents of Nicole and the mother of Scott.

"There just simply is no other explanations," he said.

More answers might come at some point, he indicated. He said it wasn't the first time that phones were deactivated after a crime. Asked who did it, he wouldn't say.

"I can't go into that detail — it wasn't us, though," he said.

Jackley said some witnesses told investigators they had heard Scott Westerhuis had some other construction projects under way. Jackley didn't further confirm or deny the accuracy of those statements.

The missing voice mail might have shed further light, Jackley said.

"Certainly I think it was important what was left on that voice mail," he said. "It also could be 43 seconds of silence."

A few miles south of Platte, at what was the Westerhuis home, the only sound Tuesday after the news conference was a loose piece of metal banging occasionally in the wind.

Half a mile west at Edgerton cemetery, where Scott Westerhuis now is buried at the same plot as his father and several of his siblings, nothing was to be heard.

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Yankton County."

Under the developer's agreement as currently drafted, Dakota Plains would have until 2018 to construct its facility at Napa Junction.

Woods said the developer's agreement could be withdrawn if nothing were to be built.

"If we sign the develop-

er's agreement and nothing gets built out there, we still have the right to pull it back," he said. "If nothing's getting built out there, we don't have that commitment. ... Even with the loan with the State of South Dakota, if they don't build out there, there is no loan. Right now, even if the developer's agreement gets signed and if, for some unforeseen circumstances (it fell through), we're still in a safe position." He added that even beyond

the signature of a developer's agreement, there's still going to be more steps before any dirt is turned.

"The developer's agenda is going to be put on the agenda for the next meeting," he said. "In that time, we're going to scour it, ask some questions, make sure we have all our questions answered. Once that step is done and we're moving forward, I believe there's the finalization of the TIF. We're getting closer and closer."

During Tuesday's meeting, the commission also unanimously voted to accept the \$6 million state loan to reconstruct Deer Boulevard to the rail park into an industrial-grade road.

In other business Tuesday, the commission:

- Heard more testimony on website proposals.
- Approved two plats.

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