

**Teachers Rescued Student From Abduction**

SIOUX FALLS (AP) — Court documents in an attempted kidnapping case against a homeless man show police are crediting three teachers with rescuing a 6-year-old student from an alleged abductor.

The *Argus Leader* reports an affidavit shows Lowell Elementary School teachers in Sioux Falls noticed 26-year-old Jamal Terry leading the boy away from the school last month. The document shows one teacher ran up to Terry and the boy to stop them, while two other teachers followed Terry until they lost him.

Terry was later arrested on another charge. The affidavit shows that’s when he requested to speak with an officer so that his “name could be cleared.” He told the officer the boy had followed him.

Terry has been charged with attempted kidnapping to take or entice away a child and second-degree kidnapping. It wasn’t immediately clear if he has an attorney.

**Jackley, Leaders Discuss Pot Operation**

PIERRE (AP) — South Dakota Attorney General Marty Jackley and leaders of the Flandreau Santee Sioux Tribe are discussing what to do about the tribe’s marijuana growing operation.

The meeting Tuesday in Pierre came just three days after the tribe burned its crop because federal officials warned about a potential raid of the operation.

Jackley says the tribe’s move to suspend its operation is in the “best interest of public health and safety.” He says he is still waiting for information he requested from the Justice Department in July regarding what he described as the federal agency’s “enforcement inconsistencies on marijuana.”

The prospect of pot on tribal land was made possible by a Justice Department decision in December. The tribe had sought to start selling marijuana on New Year’s Eve.

**Ruling Clears Residents For Jury Duty**

RAPID CITY (AP) — South Dakota’s Supreme Court has tossed out a judicial order that for years excluded residents of Oglala Lakota County from serving on juries.

The county is within the Pine Ridge Indian Reservation, and nearly all residents are Native American. The county doesn’t have state court facilities and instead contracts with Fall River County for legal proceedings.

Judge Jeff Davis in 2009 issued the order excluding Oglala Lakota County residents from serving on juries, referencing a 2001 tribal proclamation declaring state court actions such as jury summonses were unenforceable on the reservation. Davis was presiding judge of the state’s Seventh Judicial Circuit at the time.

The state Supreme Court ruled last week Davis’ order violated state laws preserving the right of citizens to serve on juries and allowing plaintiffs to have cases tried in the county where their case originates, the *Rapid City Journal* reports.

The challenge to the order came out of an Oglala Lakota County woman’s lawsuit against a dialysis company. The woman’s attorney filed a motion to summon jurors from Oglala Lakota County, but the judge in the suit denied the motion, citing Davis’ order. Her attorney and another Rapid City attorney appealed to the Supreme Court.

The court’s unanimous opinion, written by Chief Justice David Gilbertson, said Davis’ order “clearly went beyond the confines of the presiding judge’s statutory authority.”

“The circuit court’s ruling, effectively prohibiting the entire population of a South Dakota county from participating in their civic right to be a juror, is a structural defect we cannot allow,” the court’s opinion says.

Even if the order was lawful, the opinion says, circuit courts have to submit proposed rule changes on jury selection to the state Supreme Court.

**Unexpected Art Shows Up In Lincoln**

LINCOLN, Neb. (AP) — Unexpected art has shown up on walls and in windows of downtown Lincoln buildings.

The *Lincoln Journal Star* reports two of the newest pieces of artwork are a giant puffer fish sitting in a building’s second-floor window and improvised wall murals.

Lincoln artist Michael Steven’s clay mache fish sculpture is 6-feet-wide and stares out from a bubble window. Steven says that bubble window has been calling out to him since he first moved to Lincoln three years ago. He received help from councilman Jon Camp to get permission to hang the fish in the building that is owned by the city.

Steven says he likes to think that his creation is smiling down on everyone walking in the street and cheering them up.

“I enjoy doing stuff to make people laugh, make them chuckle,” said Steven.

Abstract artist Spencer Pacheco is responsible for the murals that will eventually cover the north and east sides of a building that used to be Dietze Music House. Pacheco started the long-term project last winter when he graduated from the University of Nebraska-Lincoln.

The work was commissioned by Buck and Lisa Kiechel after seeing Pacheco’s work adorning the wall of Karen Kunc’s Constellation Studios.

**Officials To Make Changes After Fatal Fire**

GRAND ISLAND, Neb. (AP) — The Hall County Housing Authority is implementing a no-smoking policy after a fatal fire was started by a cigarette in its tallest building in Grand Island.

According to Grand Island and Nebraska fire officials, a discarded cigarette started the fire on Saturday afternoon in a man’s living room on the 9th floor of the 11-story Centennial Towers. Sixty-three-year-old Sarah Both, who lived down the hall from the man, died after pushing out her air conditioning unit and falling out of the window of her smoke-filled apartment.

The man was transported to a burn center in Lincoln for treatment of severe burns and smoke inhalation.

The *Grand Island Independent* reports the building will become a no-smoking property. According to Executive Director Rick Ruzicka, smoking is already prohibited in common areas of the building, including the main-floor lobbies, elevators and stairwells, but the ban will extend to the rest of the building.

According to Ruzicka, the no-smoking policy was supposed to be implemented last year as the authority moved to toward no smoking in all of its properties, but the executive director said he ran out of time. If the policy had been put in place, residents who lived at Centennial Towers prior to the new policy would have been allowed to continue to smoking in their apartments.

“It was on the agenda to happen this year,” he said. Housing authority officials also plan to add sprinklers on all floors of the building. According to Ruzicka, the housing authority board wanted to add fire sprinklers years ago, but did not have the funds to do so. In 2004, the authority added an automatic alarm system.

“We have the bids that have been approved by the city; we just haven’t put our team together to select which proposal,” Ruzicka said.

All residents of the building, except for 10 families, were allowed back into their homes on Monday. Residents of the floor where the fire started were not allowed to return because of smoke and fire damage. They have been relocated to other Hall County Housing Authority apartments.

**Driver Who Left 5-Year-Old On Bus Fined**

OMAHA, Neb. (AP) — A former driver has been fined \$250 for leaving a 5-year-old on a bus in the Omaha school district bus barn.

Omaha television station KETV reports that 68-year-old Thomas Naimie was convicted on Monday. Online court records say Naimie had changed his plea to guilty on a misdemeanor count of negligent care of a minor. Naimie told the judge that he’d had a “senior moment” on Aug. 31, the day the girl was found on the bus after her father called police and the district transportation department when she didn’t return home.

Puol Nuor says his daughter has cerebral palsy and a feeding tube. Nuor says she also has selective mutism, so she speaks only when she’s comfortable.

Memorial

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conflict.

Luken Memorials of Yankton crafted the monument, including the etching of the veterans’ names. The memorial was specially transported from Yankton to Springfield’s Terrace Park, which overlooks the Missouri River.

“It’s one of the most beautiful spots we have ever installed a memorial,” said Bob Luken, who worked on the project with siblings Scott Luken and Tina (Luken) Ziegler.

However, the scenic site carried some logistical concerns, Bob Luken said. The World War I cannon in Terrace Park was moved from its original location to create more room for the monument.

“You’re putting 30,000 pounds on a very small footprint,” Bob Luken said. “The soil had to be compaction tested, which it was in 2011 and 2012, and we were given the green light to move forward. We wanted to make sure (the monument) wasn’t going (to fall) into the river.”

The planning committee didn’t back down from raising the \$160,000 for the project, nor did it change the design to cut costs, Luken said.

“The fundraising effort turned out bigger than they thought, but they kept the course,” he said. “The \$160,000 wasn’t just for the memorial. This is a \$120,000 monument, but a lot of money went into fundraising, the foundation and soil testing.”

This committee has held its final fundraiser and will now disband, Irish said. The

project will maintain a fund for maintenance.

“We don’t have in the final numbers, but we have a few dollars in the bank to buy new flags and to replace the light bulbs as they burn out,” he said.

UNIQUE FEATURES

The Springfield monument stands out from other projects but also contains some similar features to other memorials, Bob Luken said.

“Actually, this is one of the tallest memorials we have ever done. The memorial in Sioux Center, Iowa, as far as height, is a hair taller,” he said. “Springfield also has a spire that is very similar to the Yankton Fantele Memorial Park spire that our dad and granddad put up.”

The top portion of the spire is lit, Luken said. “We did core through 22 feet of granite to get wire up to its spire so there wasn’t a conductor running up the side,” he added.

The light bulb offers a unique feature, he noted. “It’s bright enough to be seen for a long ways, and that was our goal,” he said. “The fact of it is, as high as the spire is, it is easily seen farther away than right below it when you’re looking up at an angle.”

The Springfield planning committee liked the idea of tablets containing an alphabetical listing of veterans. However, the members also wanted unique features, made easier and more affordable with today’s technology.

In addition, the computer-aided equipment made etching of the 1,922 names much easier, Luken said.

“The old way was too labor intensive,” he said. “The computer aided equipment keeps things moving and in line.”

The planning committee sought to include any honorably discharged veteran with connections to the Springfield area, Irish said. Those connections could include students from Springfield’s college or National Guard unit, both which are no longer in existence.

“We froze the list of (submitted) names on the first of June (this year) and provided Scott with the list on the first of July,” Irish said. “He had from July to late October to finish (etching the names).”

The typical name averages 17 characters, meaning the Springfield veterans monument likely contains around 34,000 characters, Bob Luken said.

PAYING TRIBUTE

The Luken family donated two benches made of black granite. One bench features war-related images reflecting the state, such as the USS South Dakota battleship. The other bench contains a tribute to Springfield Veterans Memorial chairwoman Connie Allen.

Allen was Irish’s sister and died last August while traveling in England. She didn’t live to see the final project or dedication.

The Springfield committee felt it was appropriate to honor Allen, Luken said. The bench contains her photo and a small script describing her as a strong, dedicated and respected individual, he added.

“It’s not memorializing her so much as honoring her for her dedication. She put a lot of time into the project,” Luken said. “She really was the driving force and gets the credit for getting it kick started and keeping ti going all the time. Everybody felt it was important to honor her.”

Despite the best efforts,

not all names were known or included on the monument, Luken said. The memorial reserved space for additional names. He anticipates adding those names at some point in the future.

“A lot of families have come forward and asked to get a name on (the monument). It’s a landmark, and this will be a focal point for several generations,” he said. “Our focus is on longevity for the monument, and we built in flexibility. This is made for generations, not just for 10 or 20 years.”

The Springfield planning committee hopes to maintain the project’s Facebook page with veterans’ biographies, Irish said. The Facebook page has featured a different veteran each day.

“We tried to collect as much information about the veterans as possible and create a database that would be turned over to the Springfield Museum,” he said.

Irish noted the monument holds a great deal of meaning for him and other veterans.

“As a veteran, not only (speaking for) myself but my generation, you were honored to serve,” he said.

“We are proud to be included in the memorial with a lot of other friends who served as well. I think the memorial will stand for a long, long time.”

Besides Allen and Irish, the Springfield Veterans Memorial committee members include Jim Hornstra, Carol Hagen, Mel Ludens, Melroy Hofer, Bob Bussey, Dr. Nolan Carson and Chris Libis.

The memorial can be reached on Facebook or by email at springvetmem@yahoo.com.

Follow @RDockendorf on Twitter.

Report Questions Railroad Bridge Safety, Inspection System

BY JOSH FUNK  
 Associated Press

OMAHA, Neb. — Two environmental groups say they are worried about the safety of railroad bridges because inspection reports generally aren’t public, and railroads take care of their own bridges.

The Waterkeeper Alliance and ForestEthics released a report focused on railroad bridges Tuesday.

“The federal standards for rail bridge safety leave far too many loopholes in deference to owners of railroad bridges,” said Larissa Liebmann, an attorney with the Waterkeeper Alliance.

The strength of railroad bridges is of particular concern now because railroads hauled 492,126 tank cars of crude oil last year, up from 9,500 cars in 2008 before the oil boom took off in the Bak-

ken region of North Dakota and Montana.

The crude oil often travels in trains with more than 100 tank cars, and there have been several fiery derailments involving crude oil in recent years.

The worst derailment happened in July 2013 and killed 47 people in a small Canadian city just across the U.S.-Canada border from Maine.

Railroads are responsible for maintaining their bridges and the Federal Railroad Authority audits their efforts. As part of that, few inspection records are sent to regulators who review them at railroads, so the records generally aren’t subject to public disclosure.

FRA spokesman Matt Lehner said the agency is doing what Congress directed it to in 2008 to ensure

railroad bridges are safe, but it could bolster its inspection program if it had more resources.

Association of American Railroads spokesman Ed Greenberg said railroads work hard to ensure their bridges and tracks are safe, and the methods used in this report are suspect.

“Outward appearance doesn’t determine whether a bridge is structurally sound,” Greenberg said. “Today’s rail bridges are built, maintained and inspected to handle today’s freight traffic.”

Volunteers from the environmental groups visited 250 of the nation’s roughly 100,000 rail bridges and found what they described as signs of deterioration on 114 of the bridges, including crumbling concrete and rust. Liebmann said they tried

to find engineers to review their observations but couldn’t find any that would, because the groups lacked access to detailed documentation on the bridges.

Federal Railroad Administrator Sarah Feinberg said she’s confident railroad bridges are sound, but that the industry hasn’t done enough to assure the public this is the case.

“I know that railroads are expending significant resources on maintaining bridges,” Feinberg, who has encouraged railroads to be more responsive to concerns from the public and elected officials, told a rail industry group last week. “I know that just because a bridge isn’t pretty doesn’t mean it isn’t in good shape and it isn’t going to remain in good shape for decades to come.”

Grow, Cook, Eat Yourself Healthy!



In recognition of National Diabetes Month, Avera Sacred Heart Hospital is hosting a FREE educational opportunity for those interested in growing and eating healthy foods to prevent and/or manage diabetes.

Presenter: Sam Heikes of Heikes Family Farms

After 35 years as a production agronomist, Heikes returned to the family farm on the northeast corner of Vermillion. He now grows and sells organic produce in the region. Heikes will offer tips, techniques and inspiration to grow and eat healthy food at home.

Also present will be Susan Barnes, Diabetes Educator at Avera Sacred Heart. She is an expert in helping people with diabetes and prediabetes live healthier lives.

Edible Gardening Skills

Friday, Nov. 13  
 11 a.m. – 12:30 p.m.

You’re welcome to bring your own lunch.

Avera Professional Office Pavilion  
 409 Summit St.  
 Yankton, SD 57078