



RANDY DOCKENDORF/P&amp;D

A new fire hall is shown under construction last month on Delmont's Main Street, replacing the structure destroyed in the May tornado. The twister demolished the former new fire hall before it had even been dedicated. The construction represents part of the ongoing recovery process for the Douglas County community, which saw its population drop from about 240 before the tornado to approximately 170 residents today. Delmont voters will decide Tuesday whether to change their form of city government, part of their post-tornado decisions.

## Delmont

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"Because we've lost so many residents, we've already eliminated one voting ward," she said.

Currently, Delmont council members must reside in the ward they represent. If voters approve the change in Tuesday's election, a council member could reside anywhere in the community.

The change would make for fewer voices on the board, but it could ease problems with finding candidates, particularly from a certain ward.

Should voters approve a smaller board, Gunnare said the move would save an estimated \$6,000 to \$8,000 annually.

### FACING CHALLENGES

Whatever form of government chosen by residents, the Delmont City Council faces a number of challenges in the tornado's aftermath.

Besides the loss of a voting ward, the exodus of residents means fewer customers for the community's utilities, Gunnare said. In turn, the lost revenue affects the city's plans for covering operational costs and for financing improvement projects.

Delmont city officials have been dealing with a sewer bond and water loan. The town has sought forgiveness or delays in its payments.

In addition, the town's residents are looking at ways to rebuild lost structures, the mayor said. The new fire hall, which was destroyed before it opened, is being reconstructed. In addition, Zion Lutheran Church members have voted to rebuild their century-old brick church,



Swier

she added. Delmont city officials have sponsored community meetings to provide support and information for the tornado victims. Another community meeting is planned for early November.

The town and its residents have seen an outpouring of support from across the state, region and even nation. The disaster assistance fund had reached \$252,000 as of last month. In addition, the community has received in-kind assistance and volunteer labor.

### INSURANCE ISSUES

Those offers of assistance include free legal advice.

Avon attorney Scott Swier said his firm has offered free consultations to help tornado victims with insurance issues. The firm will assist tornado victims learn more about their policies and what is — and isn't — covered in terms of the storm's damage.

"It's all part of helping our neighbors in Delmont," he said.

The effort is known as the Delmont Assistance Program, Swier said. The program marks the first time the firm has set up an official organization for a specific purpose, he said.

"We've helped dozens of people from Delmont so far," he said. "We're helping them get their finances in order. It's something we as a firm are doing as a public service to help the tornado victims."

The firm will help residents, at no charge, review their insurance policies and will attend any needed conferences, Swier said. However, the firm could charge fees if litigation or

extensive work is required, he said.

"We have found that a lot of folks didn't really understand the terms of their insurance policies and what they are entitled to, because of natural disasters," he said. "It's been a good educational opportunity. Very few, if any, people go through their insurance policy's rules unless something like this (tornado) happens."

The policy reviews help tornado victims feel comfortable in knowing whether they are being treated fairly, Swier said.

"We found some instances where, perhaps, the individuals weren't being treated as fairly as what we thought they should have been under the policies," he said. "We work with the insurance companies and try to get what is fair."

The Delmont Assistance Program has been well received, Swier said.

"The professional guidance is something that residents have really appreciated," he said. "It's nice for people to know they're not going to get an attorney's bill at the end of the month. I think it's a good opportunity for those folks to have some piece of mind."

Tuesday's election represents the next step in Delmont residents' charting of their future.

The polls are open from 7 a.m. to 7 p.m. Tuesday at the Delmont Community Center. The measure will be decided by a simple majority of ballots cast.

The *Press & Dakotan* will provide results in print, online and through social media.

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## Angel

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Circuit Court Judge Glen Eng approved, setting Nov. 23 as the next hearing date.

Angel, 19, Yankton, pleaded not guilty to four charges of attempted murder in the first degree, four charges of aggravated assault against a law enforcement officer and one charge of aggravated assault.

The attempted murder and aggravated assault against a law enforcement officer charges each carry a 25-year maximum with up to \$50,000 in fines each while the separate aggravated assault charge carries a 15-year max with up to \$30,000 in fines.

On Sept. 1, police were summoned to a Yankton-area residence for an assault call. Two victims were found on-scene and accused angel of the Assault. After a search of the downtown area, Angel

was tracked to an alleyway where he allegedly pointed a gun at officers. Angel was then shot by Sgt. Jason Foote of the Yankton Police Department. Following a month-long investigation, DCI found that the shooting was justified.

During Angel's arraignment in September, Jan. 11, 2016, was set as the opening date for a trial.

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## MVCA

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The benefits the fundraiser has for MVCA are seemingly endless.

"As a Christian school, we don't receive any government funding," Nickels explained. "The fundraiser pays for our teacher salaries, our rent space, helps to maintain and run the school, and helps keep tuition low so families can afford and choose a Christian education for their children."

There is a large selection of items to bid on at the auction. Those items include materials such as propane and cement to food and treats donated by local restaurants. There will be a silent auction of hundreds of items before the live auction of 60 items begins at 7 p.m.

"We have a well-documented check-out system that is going to give everyone a clear idea how much of what they're bidding on and how much they can write for tax purposes," Nickels added.

The reservations also include complimentary childcare. Children 4 years of age

and older will be treated to a movie and pizza.

"I enjoy the opportunity to raise money for the school my kids go to and that I am so passionate about," said Nickels. "It's awesome to see all the businesses and individuals with the donations they graciously give us."

"It's such a fun evening for people to come out and support the school," she

continued. "People can look forward to a great evening where they support a worthwhile cause for our community."

To register, contact Joleen at 605-999-3047. Registration will be taken until the day of the event.

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## Train

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Nickles said. "Obviously we'll get a bit more involved over a regular accident."

Nickles said this would include contacting the railroad and then assessing just what the train's cargo is.

"If it's in town, we're going to have to decipher what's involved, if there's any hazardous materials (hazmat) involved and if an evacuation's going to have to go," he said. "If it's something like they had up at Scotland where they busted the tank apart and had a fire, we're going to be looking at a pretty sizable evacuation."

Nickles said resources from the South Dakota Department of Transportation, Yankton County Emergency Management, Yankton County Search & Rescue and other surrounding fire departments and agencies would be summoned to help out in any evacuation. The emergency operations center would also be activated.

He added that most of the work would be taken on by the railroad itself.

"The railroad's kind of their own deal because they're federal and they've got their own protocols that we have to meet," he said. "We just kind of assist them in what needs to be done. In Scotland, for example, the fire departments were there to secure the area, but they just stood by and the railroad brought in their own hazmat teams and firefighters."

McBeth said while the railroad is unable to comment on specifics about the September accident near Scotland due to the ongoing investigation, there is a standard in place for dealing with major incidents.

"We have a number of resources that we deploy," she said. "We have more than 250 trained responders staged at locations across our network, and they're supported by a number of contract emergency and environmental responders. We have an emergency response plan that we follow and our own hazmat responders. ... We work very closely with local responders in any incident."

The Scotland accident is currently being investigated by the National Transportation Safety Board (NTSB).

In addition to any potential evacuations, Nickles said a major accident could grind road traffic between certain points in town to a halt.

"One thing about a train, especially if it splits the town in two, once that accident happens, the train can't move by (the railroad's) protocol," he said. "It could lock the town up."

### CLEANUP AND RECOVERY

After any incident, McBeth said the burden of cleanup falls to the railroad.

"BNSF is fully responsible in an incident — for the mitigation of whatever that

## Yankton Has Some Rail Accident Experience

BY ROB NIELSEN

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With regards to train accidents, Yankton deputy fire chief Larry Nickles said there's only one instance of a major rail incident occurring in town.

"A freight train and a passenger train collided," he said. "One rear-ended another one. ... It happened in the Yankton yard in the Eighth and Burleigh area and they don't have a date on it because there was no death or injury. At the time, the ICC (Interstate Commerce Commission) would've investigated. As significant as the train wreck looked, it wasn't investigated to the point where it made the records because we can't find any records on it."

At the time, the railroad was the Chicago, Milwaukee, St. Paul and Pacific Railroad (Milwaukee Road). Judging from firefighter turnout gear present in a photograph of the incident, Nickles estimated the accident occurred sometime in the late 1940s or early 1950s.

The photo will be displayed at the Yankton Fire Department's museum, which is currently under construction.

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incident is and the restoration tasks that might be required," she said. "In addition to responding to an incident and working with first responders when an incident happens, we continue at that site if there's any additional work that would be required. Then we work with state agencies who oversee the work and approve the plan that would be required for any mitigation and we'll restore that site to its pre-incident condition."

McBeth said some trains were rerouted around the Scotland accident and that overall impacts were minimal.

The Scotland derailment destroyed a bridge, but the *Press & Dakotan* reported that service was restored to the line Sept. 23 when the bridge was replaced with large 9-foot culverts.

McBeth said one of the keys to being able to restore a rail line quickly and safely is to have replacement track and other material at the ready along the BNSF system.

"As part of our efforts, we have materials staged in various locations on our network," she said. "Things from ballast to track panels, culverts that were used to replace that bridge and materials we can utilize and mobilize them very quickly, so once it would be appropriate to start constructing and making those repairs, then crews will do that. In most instances, crews will work through the evening and get the tracks back in service as quickly as possible."

### PREPARING FOR INCIDENTS

McBeth said BNSF also tries to help prepare local entities for any potential emergency.

"One of the things we've done for decades is train with local responders," she said. "We think that's incredibly important. For decades, we've worked with responders to conduct community hazmat training sessions where railroad personnel work with first responders and talk about types of railroad equipment, best

practices for response to an incident on the rails. There's hands-on training for equipment. We find those sessions to be very helpful."

Nickles said the city's firefighters have received some training from the BNSF through the years on how to respond to accidents.

"They offer a class at the fire schools," he said. "We were fortunate enough in 2005 where they brought train cars in and the guys were able to train in certain cars in the train yard. Usually there's a lot of classes at the local and state levels that the firefighters can go and get some training for."

McBeth said there will be further training offered at Mitchell and Sioux Falls later this fall for first responders.

She added the railroad has also started additional training programs as oil shipments from North Dakota have increased during the last decade.

"With concerns specific to moving crude (oil) by rail, in addition to the community hazmat training sessions that we've done, we've provided tuition and travel expenses for firefighters to attend the nation's railroad training and research center in Pueblo, Colorado," she said.

The program started in 2014 and continues to this day.

McBeth said the railroad will continue to work with local entities to further boost safety.

"We always think there's room for improvement and we'll continue to look to prevent incidents through those measures," she said. "We believe that we can do that and we'll continue, in the meantime, to work with first responders and train the first responders should anything happen so that we can all be prepared."

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