

2010	Legal and Public Notices
payment)	2,839.79
Bartuneks	708.00
Thurman Law Office	160.00
Venessa Teegarden (salary/FICA)	132.09
Paul Scherschligt (salary/FICA)	245.31
Roxanne Ellinger (salary/FICA/water sample)	363.26
US Treasury (941/FICA)	103.67
TOTAL	\$8,535.51

REPORTS:Water/Superintendent Reports

Board members reviewed the August water report. One business will be contacted regarding a delinquent balance. Water Superintendent Scherschligt noted no problems at the tower or lift station.

OLD BUSINESS:Vacant Lots

No new information.

Unlicensed Vehicles

Finance Officer Ellinger noted the property owners not in compliance with Ordinance #91. Names have been forwarded to Attorney Thurman to begin prosecution of fines.

Dogs

Venessa Teegarden, Animal Control, noted four residences with animals not tagged for 2012. Trustee Pratt will help with the final paperwork.

NEW BUSINESS:Ordinance #122

Motion Pratt, second Frank to approve Ordinance #122, the town's 2013 budget. Motion carried. Finance Officer Ellinger noted no special assessments to property this year.

Water/Sewer Rates

Discussion was held on monthly water/sewer rates for 2013. Finance Officer Ellinger was instructed to draft a resolution for the October meeting raising the sewer rate to \$20 per month.

Ordinance #89

Discussion was held on Ordinance #89 (*Prohibition of Livestock in Corporate Limits*). New residents at 700 1st Street have been consulted about raising poultry in their yard. Mayor Bloch has talked with the new owners, and a copy of the ordinance was sent from the Finance Office.

OTHER:

*Discussion was held on the siren at the ballpark which is not working correctly. Firefighters did use a lift to gain access to the motor. The motor did spin freely and no bird nests were obstructing its operation. A boom truck will be needed to remove the siren motor and diagnose the problem. The siren is owned by the town; however, a replacement is estimated to cost \$13,000. More information will be available at the October meeting.

ADJOURNMENT:

Motion Frank, second Pratt to adjourn the town board meeting at 8:40 p.m. Motion carried. Next monthly meeting of the Lester-ville Town Board is scheduled for *October 8th* in the fire hall meeting room.

Roxanne Ellinger
Finance Officer

Drought Conditions Worsen Over The Week

SIoux FALLS (AP) — Drought conditions continue to worsen in the Dakotas.

The latest U.S. Drought Monitor map shows 96 percent of South Dakota is mired in some form of drought, up more than 4 percent over the week. Nearly 88 percent of North Dakota is in drought, up about 7 percent.

Conditions are worse in South Dakota, where about 45 percent of the state is in extreme drought and another 5 percent is in exceptional drought. North Dakota has no areas in either category, though more than one-fourth of the state is in the severe category.

Federal Agriculture Secretary Tom Vilsack this week announced nearly \$12 million in additional aid for 22 states including South Dakota to help farmers and ranchers apply conservation practices that reduce the impacts of drought.

Omaha Police Warn Of Scam Calls

OMAHA, Neb. (AP) — Omaha police are warning of an apparent scam in which residents are receiving automated calls from someone claiming to be a security company authorized by the city police department.

Police issued a news release Thursday that notes citizens have questioned the department about the calls, which say the company has been authorized to install security systems.

Police say the department hasn't partnered with any security companies and that the calls appear to be a scam.

They warn against given personal information to such callers.

Utility Pays Nuclear Rehab Cost Over 10 Years

OMAHA, Neb. (AP) — The Nebraska utility that owns the troubled Fort Calhoun nuclear power plant has decided to spread out the cost of repairs at the plant over 10 years to lessen the immediate impact on rates.

The Omaha Public Power District said Thursday that roughly \$143 million in operations and maintenance costs for the plant that sits about 20 miles north of Omaha will be deferred. That includes this year's and next year's projected costs.

Fort Calhoun has been shut down since April 2011, and it's not clear when federal regulators will allow it to restart. The plant initially shut down for routine maintenance, but last summer's flooding along the Missouri River and several regulatory violations forced it to remain offline. Environmentalists would like it to stay shuttered for good.

Amtrak Says Search Continues For Calif. Man

MCCOOK, Neb. (AP) — Investigators from Amtrak and several other police departments continue searching for the retired California firefighter who disappeared from a train somewhere between eastern Colorado and western Nebraska.

Charlie Dowd was last seen Sept. 13 on a California-to-Chicago Amtrak train.

Reports from passengers who saw the 69-year-old Dowd that night have investigators thinking he may have fallen off the train somewhere between Fort Morgan, Colo., and McCook, Neb.

The Yuma County, Colo., sheriff's office has conducted an air and ground search along those 160 miles of track, but Dowd wasn't found.

S.D. Taxidermist Pleads To Wildlife Charges

SIoux FALLS — A Waubay taxidermist has pleaded guilty to two counts of unlawful possession of migratory birds and one count of unlawful possession of endangered species.

United States Attorney Brendan Johnson says the conviction stems from an incident in which 54-year-old Kevin Jorgenson received and possessed 535 migratory birds — one merlin hawk and one sharp skinned hawk — as well as one Western Great Lakes gray wolf, an endangered species.

Johnson says none of the wildlife was properly tagged, as required by both federal and state law.

Sentencing is set for Dec. 17. The charges carry a maximum penalty of one year in prison and a \$100,000 fine.

Some Omaha Area Schools Find Bugs In Soup

PAPILLION, Neb. (AP) — Tiny beetles have been found in chicken noodle soup eaten by possibly 150 students at their schools in suburban Omaha.

Papillion-La Vista School District spokeswoman Annette Eyman says dozens of children could have eaten some of the soup on Wednesday before school officials discovered the problem and stopped serving it.

The soup was prepared at a district high school and delivered to nine district schools and a local parochial school.

The bugs were identified as sawtooth grain beetles, which Eyman says are common and not harmful if consumed. School workers discovered live beetles in some packages of noodles used for the recipe.

The district will return any leftover noodles to the distributor and the kitchen areas will be sanitized.

South Dakota Hospital Suing IHS For \$6.5M

MARTIN (AP) — A South Dakota hospital that nearly closed earlier this year because of financial problems is suing the Indian Health Service, saying the federal agency doesn't pay its bills.

The Bennett County Hospital in Martin is trying to collect more than \$1.65 million in fees for care provided to members of the Oglala Sioux Tribe.

The *Argus Leader* newspaper reports that the hospital's demand of \$1.65 million represents the difference between the IHS payments the hospital has received and the \$2.2 million in care provided to Native American patients since 2007.

The IHS did not immediately respond to the lawsuit. The agency has said in the past that it is not responsible for some bills under its guidelines.

Census

Nebraska, Iowa Fared Better Than Most States

BY JOSH FUNK

Associated Press

OMAHA, Neb. — The median household income in Nebraska and Iowa rose last year, thanks largely to strong agricultural sales, even as the national median income dropped, according to U.S. Census Bureau data released Thursday.

The report, which compared 2010 data with data collected last year, said Nebraska's median income grew 1.1 percent in 2011, to \$50,296, while Iowa's grew 0.1 percent, to \$49,427. The U.S. median income dropped 1.3 percent last year, to \$50,502.

Nationwide, median household incomes rose in only 13 states and the District of Columbia. Vermont led the nation with a 4.1 percent increase in its median income, but most of the states with gains were in the Midwest or West.

The strength of agriculture has helped Nebraska and Iowa withstand the economic uncertainty of the past few years, and it's a factor in these income figures, said David Drozd, research coordinator at the Center for Public Affairs Research at the University of Nebraska Omaha.

When farmers do well, they invest in new equipment and support a variety of businesses. USDA statistics show that in 2011 Iowa and Nebraska ranked second and third in the amount of farm income generated in each state.

Demand and prices for the corn and soybeans

“The relatively good performance of the farm economy has helped the rest of the state over the past few years.”

LIESL EATHINGTON

rest of the state over the past few years,” Iowa State University economist Liesl Eathington said.

Creighton University economist Ernie Goss said strong farm income was the most important factor in boosting household incomes in Nebraska and Iowa.

But Goss said it also helped that the housing sector in Nebraska and Iowa wasn't nearly as weak here as it was in many other states.

The relatively low unemployment rates in Nebraska and Iowa also helped keep the median income figure strong. In July, Nebraska's unemployment remained the second-lowest in the nation at 4 percent, and Iowa's rate registered at 5.3 percent. By comparison, the national unemployment rate was 8.3 percent in July.

In Nebraska, the strongest income growth was reported in rural areas where median income increased 2.6 percent to \$44,177. In the state's small and large cities, median income grew only about 0.9 percent to \$51,796.

In Iowa, the strongest income growth came in small and large cities where median income grew 0.9 percent to \$50,844. In rural areas of Iowa, median income declined 3.1 percent to \$45,317.

Neb. Judge Awards \$800K For Wrongful Convictions

BY MARGERY A. BECK

Associated Press

OMAHA, Neb. — A judge has awarded \$800,000 to two people wrongly convicted in the 1985 killing of a Beatrice woman.

Ada JoAnn Taylor and James Dean sued the state for \$500,000 each, saying they were wrongfully convicted in the rape and murder of Helen Wilson in 1985. Four others, collectively known as the Beatrice Six, were pardoned in 2009 after DNA evidence exonerated them.

Five of the six sued, seeking \$500,000 each under a 2009 state law that allows the state to compensate the wrongfully imprisoned. The law was created, in part, by Beatrice Six's wrongful convictions.

The state quickly settled with two of the six, paying Joseph White \$500,000 and Kathleen Gonzalez \$350,000. But it balked at compensating Taylor, Dean and Thomas Winslow, saying they perjured themselves when they confessed to roles in the killing, making them ineligible to collect damages.

Last year, Winslow accepted a \$180,000 settlement from the state, but Taylor and Dean went to trial, arguing that faulty interrogation tactics led them to falsely confess to the killing.

On Thursday, Gage County District Judge Daniel Bryan agreed and

awarded \$500,000 in damages to Taylor, noting that she spent nearly 20 years in prison, and \$300,000 in damages to Dean, who spent 5 1/2 years in prison.

In both of their cases, the judge said neither intended to make false statements, nor did law enforcement intend for them to confess to crimes they didn't commit.

But the blame for their false confessions “rests primarily on law enforcement's mistakes, whether intentional or unintentional,” the judge wrote in his order.

The Nebraska Attorney General's Office says it will appeal the decision.

“Mr. Dean and Ms. Taylor provided false testimony that led to the conviction of an innocent man,” Nebraska Attorney General Jon Bruning said in a statement Thursday. “We continue to believe the Nebraska Legislature did not intend to provide recovery to those who commit perjury under the Wrongful Conviction and Imprisonment Act. We will appeal this decision.”

Taylor's attorney, Bob Bartle, said Taylor is grateful and relieved by the judge's decision and added that he hopes Bruning will take “a long hard look” at the opinion before deciding to appeal.

“It was a very detailed order that Judge Bryan put into place,” Bartle said. “An appeal, of course, would delay further JoAnn's ability to

recover from what was just an awful injustice that was done to her.”

Dean's attorney, Herb Freidman of Lincoln, said Dean is “very happy” about the award, and said he and his client have no choice but to wait to see whether the Nebraska attorney general follows through with an appeal.

“Their argument was a statutory interpretation ... and we think their interpretation of it is not valid,” Friedman said. “That's why we have courts.”

The Beatrice Six spent a combined 87 years in prison before DNA tests conducted in 2008 cleared them. They were the first people in Nebraska to be exonerated of murder based on DNA evidence following a 2007 Nebraska Supreme Court ruling allowing new DNA tests in old convictions.

Decades earlier, investigators described a gruesome scene in which 68-year-old Helen Wilson, of Beatrice, was held down and raped in front of a group of people. Her hands were bound, and she died of suffocation.

But officials in 2008, based on the new DNA evidence, said the crimes were the work of one man, Bruce Allen Smith, who arrived in Beatrice, where he grew up, days before the slaying, then returned to Oklahoma days later. He died of AIDS in 1992 at the age of 30.

Congress

From Page 1A

in an election year since such measurements began in 1974.

Yet lawmakers are slinking out of town, after a September session that was on and off for less than two weeks, following a summer recess that ran from Aug. 3 to Sept. 10. Congress is expected to return Nov. 13.

“Leaving town in disgrace,” said Sen. John McCain, R-Ariz., a 30-year congressional veteran.

“This is the most dysfunctional Congress I can remember,” said Craig Holman, government affairs lobbyist for Public Citizen, a non-partisan consumer-advocacy group. “I've never seen Capitol Hill work so poorly.”

Republicans and Democrats agree on this much: The inertia was spawned by the unusually hostile partisanship that's come to dominate political dialogue and debate. The result of years-long trends, the parties have been all but purged of philosophical outliers. New England and mid-Atlantic Republican moderates have nearly vanished, and the centrist Democratic Blue Dog caucus shrank from roughly 54 members in the last Congress to fewer than half that now.

That's hardened the ideological lines, and leaders have had to become defenders of those ideologies instead of the consensus-builders they've been in the past. They've also spent much of the year blaming the other side. “I have always said the sooner we can do it, the better. There is no reason why we should inch closer to a cliff,” said California's Nancy Pelosi, the Democratic leader in the House of Representatives. “The sooner that we can instill confidence in the economy that we can get this job done. And President Obama supported that one year

ago, and the Republicans walked away.”

No, the Republicans counter, it's the Democrats who are stubborn.

“We've got multiple crisis-level issues to deal with. And yet Democrats don't want to do a thing,” Senate Republican leader Mitch McConnell of Kentucky said Thursday in a floor speech. “Never before has a president and a Senate done so little to confront challenges so great.”

Efforts are quietly afoot to find some common ground. The farm bill is expected to pass later this year. In the Senate, a bipartisan “Gang of Eight” has been talking regularly about fiscal compromise, holding dinners and bringing in dozens of other senators. Congressional leaders are not involved.

“The whole idea is to come up with an outline,” said Sen. Mike Johanns, R-Neb.

Such talk has been going on for months, though, and it's produced no tangible results. Last year, it took a summer's worth of higher-level negotiations between the White House and congressional leaders before a last-minute agreement was reached to raise the nation's debt limit and cut spending.

The turmoil was a major factor in pushing financial rating agencies to lower the nation's credit rating below AAA in August 2011 for the first time in 70 years.

“The political brinksmanship of recent months highlights what we see as America's governance and policymaking becoming less stable, less effective and less predictable than what we previously believed,” the credit rating agency Standard & Poor's explained.

Prospects for a new agreement have been elusive, and no one is going home optimistic.

“If you kick the can down the road you continue to further uncertainty, and inconsistency, and a lack of predictability. That's what this Congress has done, because it's refused to deal with issues,” said Sen. Ben Nelson, D-Neb.

Minn. Farmer Acquitted In Raw Milk Trial

BY STEVE KARNOWSKI

Associated Press

MINNEAPOLIS (AP) — A Minnesota man charged with violating the state's restrictions on raw milk sales was acquitted Thursday in what he and his supporters called a victory for consumer freedom.

Alvin Schlangen, an organic egg producer from central Minnesota, was charged with three misdemeanor counts of distributing unpasteurized milk, operating without a food handler's license and handling adulterated food. Minnesota law prohibits raw milk sales except directly to consumers on the farm when it's produced.

The three-man, three-woman jury deliberated for about 4 1/2 hours before returning not guilty verdicts on all three counts in Hennepin County District Court.

“This is a huge victory for food freedom,” said Schlangen's attorney, Nathan Hansen, who told the jury in closing arguments Wednesday that Schlangen did nothing illegal.

Raw milk consumers and government regulators disagree sharply on whether unpasteurized milk is a healthy food with significant benefits for their families or a dangerous product that can cause serious and potentially deadly diseases such as E. coli, salmonella, listeria and campylobacter.

Schlangen, 54, said he was prepared for the decision to go either way “just because the system doesn't let the jury realize they have the power to disregard a stupid law.”

The Freeport man does not produce milk but runs what the defense described as a voluntary and legal association of consumers who lease cows from Amish farmers. The defense said his role is merely as a middleman, delivering the milk to members who live mostly in the Twin Cities. He said he expects the club to keep operating for now, though members are trying to spread out the work, and he's not sure it's economically viable in the long term because it requires so much effort.

Schlangen said his victory gives him optimism for his next legal fight. He faces similar charges in Stearns County, where he's due to stand trial Oct. 9.

“I think it's a huge step in the right direction,” he said of his acquittal, “but I have a hard time understanding why this basic freedom was so hard to maintain, or bring back, because it was lost,” he said.

Prosecutor Michelle Doffing-Baynes declined to comment on the verdict.

Minnesota Department of Agriculture officials issued a statement saying the jury made a “narrow finding” on whether enough evidence existed to prove Schlangen broke the law.

“This narrow ruling does not wipe away the fact that many children and adults have gotten dangerously sick from consuming raw milk. It also does not wipe away the other legal rulings that have upheld MDA enforcement actions,” the department said.

Raw milk supporters say pasteurization destroys important nutrients, enzymes and beneficial bacteria. They blame pasteurization for contributing to allergies, tooth decay, colic and growth problems in young children, and osteoporosis, arthritis, heart disease and cancer in adults.

Public health officials dispute the scientific validity of those claims. The federal Centers for Disease Control and Prevention said raw milk products were responsible for at least 93 disease outbreaks from 1998-2009, causing 1,837 illnesses, 195 hospitalizations, and two deaths. The CDC says food-borne illnesses often go unreported, so the actual number of illnesses from raw milk is probably higher.

The Farm-to-Consumer Legal Defense Fund says retail sales of raw milk are legal in 10 states, while farm sales are legal in 15, including Minnesota. Cow-share or herd-share programs, which have some similarities to Schlangen's club, are allowed in some states, according to the group.

Schlangen's passionate supporters filled the small courtroom for his trial, including a sizable contingent of mothers with young children in tow. They said Judge Robert Small commented at one point on how well-behaved the children were. One person piped up that it was because they drink raw milk.