



# COLBY FREE PRESS

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## Brewster wants state to run road

By Jan Katz Ackerman  
Colby Free Press

Brewster's mayor and council members do not want a road leading from Interstate 70 to their town to be turned over to the county.

Mayor Mike Baughn said Wednesday Brewster will suffer economically if Thomas County Commissioners Ron Evans, Paul Steele and Ken Christiansen follow through with deal with the state about Kansas Highway 184.

"Apparently the county commission and Kansas Department of Transportation had some talk about exchanging 38,000 ton of millings if the county would take over the road which runs from Interstate 70 to Brewster," Baughn said.

Baughn said the one and one-half mile stretch of roadway needs to stay as it is now.

"Brewster does not want that to change," he said. "It's not economically beneficial for Brewster because it would deteriorate Brewster's businesses."

Baughn said if the county takes over the road the state would no longer provide signage and upkeep necessary to draw I-70 travelers off the highway and into town.

"It's important to business that the road be maintained and signed," he said.

Baughn said he talked with the commissioners, state officials and state representatives about thwarting the road's change. Baughn is encouraging other interested parties to do likewise.

In other council news ...

Baughn said a decision was made to have K & K Tree and Lawn Service of Goodland trim the cemetery trees. Cost will be \$470.

The city donated \$300 to the Brewster Community Grocery Store in order to purchase stamps necessary for a mailing. It was also decided by consensus to have the city's annual dinner in January. Baughn and City Clerk Judy Reid are to schedule it.

In other business, the council approved a monthly pay increase from \$15 to \$30 for Sandi Bear, treasurer and gave a 3 percent raise to City Superintendent Mike Schultz and Reid.



TISHA COX/Colby Free Press

City of Colby crews were kept busy Wednesday with calls about downed electrical wires and trees and branches because of ice from the storm that hit the area. For the second day in a row, schools in Thomas County were closed.



## Storm still strangles NW Kansas

GOODLAND (AP) — Schools and highways were closed in northwest Kansas on Wednesday after a winter storm packing snow and ice moved into the area overnight, and more rough weather was forecast.

"There's no school in northwest Kansas basically anywhere," said Samantha Siruta, records clerk for the Sherman County Sheriff's Department.

About 5 inches of snow fell, along with a half inch of ice and

freezing rain, producing slick driving conditions on Interstate 70, forecasters said. The state on Wednesday closed I-70's westbound lanes for about 120 miles, from Wakeeney to the Colorado border. Both westbound and eastbound lanes of U.S. 36 were closed for about 10 miles from the Colorado border east to St. Francis.

"There were quite a few slide-offs and a couple rollovers on the Interstate," Siruta said. She said

injuries were reported, but it was unclear how serious they were.

Stan Whitley, a spokesman for the Kansas Department of Transportation, said people were starting to fill Kansas motels because they couldn't travel in Colorado. Also, I-70, as well as U.S. 36 and 50 were snowpacked, he said.

The Kansas Highway Patrol said late Wednesday troopers hadn't reported any major accidents because of the snow and ice.

## County jail: Expand or build new?

By Tisha Cox  
Colby Free Press

The future of the Thomas County jail was on tap at the Thomas County Commissioners meeting Monday.

Commissioners discussed the possibility of expanding the current jail, or building a new jail. Cindy Kennedy of Goldberg, Sullivan and McCreary architect firm from Kansas City, discussed the matter with commissioners during a conference call.

"This is just an exploratory conversation," said commissioner chairman Ron Evans.

The current jail's design is outdated and the building is showing its age and inefficiencies.

Thomas County Sheriff Mike Baughn said his department is in the initial stages of the research. A committee will be formed to look at whether a regional jail is needed, or if the county's jail should be expanded to meet needs. A regional jail could be used by other area counties.

Thomas County Undersheriff Jason Moses said as of now, the jail is housing inmates from two other counties.

Those counties are charged a per diem rate of \$40 per day per inmate.

Moses said planning for the future needs to be done now.

"It's inevitable that it's going to happen," he said.

Evans said these discussions are just the first step.

"We've got a long process," Evans said. "Maybe something will come of it, maybe not."

Jails in Doniphan, Cherokee and Rice counties were designed and by Goldberg, Sullivan and McCreary.

Financing such a project was also mentioned. Kennedy asked if a jail would be paid for with sales tax.

Evans said it would probably be a bond issue.

"We haven't thought that far

ahead," Baughn said.

Commissioner Paul Steele said a sales tax increase would be a "hard-sell" to voters.

In other county news...

Tipping fees at the county landfill are going up.

Supervisor Larry Jumper told commissioners about raising the tipping fees for municipal solid waste and cardboard. Jumper said "excessive" amounts of those items will be charged a minimum tipping fee of \$3.

"It's something that might work," he said. "It's going to be a judgment call."

Steele said at the annual landfill meeting held this month, it was brought up a lot of cardboard is being taken to the landfill instead of the recycling center. Increasing the tipping fee would be an incentive for cardboard to be recycled.

The health department was also on the agenda.

New county health department administrator Lisa Molstad presented a contract for women's health services.

The contract is to provide annual exams and family planning services in Thomas, Rawlins and Logan counties.

Services are partially paid for with a grant, and is for women who are uninsured or who use Medicaid.

Molstad also wanted to contract with Juanita Gatz, the previous health department administrator, to be the nurse practitioner to provide the women's health services one day a week for six months.

Molstad figured that job would be for 182 hours, at \$60 an hour, for a total of \$10,920.

The commissioners approved both.

In other business, the commissioners approved:

• The appointment of Paul Bailey to the zoning and planning commissions and Steve Ziegelmeier to economic development.

## Rexford gives people a break

Nice timing.

Rexford's city council are giving residents and businesses a little slack in their budget.

Anyone having city water meters will only be charged the minimum for the month of December.

City Clerk Jolene Hansen said December water, trash and sewer

billings will be minimum \$31 for residents and \$36 for businesses.

Anything over the minimum will be included in the next billing cycle, and the process has been done for several years, she said.

After the banquet, the mayor and council members conducted their regular city meeting.

## Doctor, hospital argue breach of contract; judge makes no decision

By Patty Decker  
Free Press Editor

A Thomas County district court judge made no ruling Tuesday on a motion by Citizens Medical Center to dismiss a Colby doctor's lawsuit alleging breach of contract when the facility suspended his privileges in April 2003.

Judge Jack Burr of Goodland heard arguments by Hutchinson attorney Mike O'Neal, representing Dr. Victor Hildyard. Attorneys Carol Bonebrake and Harold Youngentob, both of Topeka, represented the Colby hospital.

The hospital's attorneys argued the lower court should dismiss the lawsuit and yield to the appellate court for guidance.

Youngentob said the hospital should have immunity from the lawsuit since it is a private, charitable organization. In addition, he argued the hospital did not violate anti-trust laws since it is a non-profit group and no breach of contract occurred between the doctor and hospital because no contract was ever created.

O'Neal disagreed the matter should go before the appellate court and bypass the district court.

"The case against the hospital boils down to a question of whether there is any legal oversight of or remedy against a hospital

**"It will be next to impossible to recruit doctors to a community where the hospital can't be trusted to honor its promises or agreements or deal with physicians fairly."** — Hutchinson Attorney Mike O'Neal

that flagrantly disregards its own written rules and procedures," he said.

In order to prove that, O'Neal said the case should move forward at the district level thus allowing the process of discovery to take place.

"The motion to dismiss is premature," he said. "The appellate court needs more information and at this point, not enough evidence has been taken."

In arguing immunity, Youngentob said with many small, rural hospitals, Colby did what it thought was right.

"When dealing with people there are imperfections," he said, "and even if the process were negligent and ugly, the hospital attempted to act in the best interest of the community."

Youngentob questioned whether moving forward with discovery evidence would be in the town's best interest considering the community is already fractured and this

process would only continue to further the gap.

"We do not need discovery in this case, but I do submit we need the appellate interpretation," he said.

Regarding the anti-trust issue, Youngentob said the hospital is in no way trying to control the market or fix prices.

"This is a non-profit business and there's been no effort to capture a market at the expense of Dr. Hildyard or anyone else," he said.

As for the breach of contract, Bonebrake said the hospital is entitled to immunity against damages and medical staff by-laws do not create a contract and are not dependent on ratification.

"An analogy regarding how the hospital did not have a contract with the doctor could be like an employee handbook. It does not imply continued employment," she said.

O'Neal talked about his client's unblem-



PATTY DECKER/Colby Free Press

Hutchinson attorney Mike O'Neal, left, spoke with his client Dr. Victor Hildyard during a lawsuit hearing Tuesday in the Thomas County District Court. More than 65 people attended with many more unable to be seated inside the courtroom.

ished record for more than 30 years, adding the rights of parties were procedures put in place by the hospital itself.

"If there is no oversight (the argument by the hospital)," O'Neal said, "then the public has every reason to worry."

"It will be next to impossible to recruit doctors to a community where the hospital can't be trusted to honor its promises or

agreements or deal with physicians fairly," he said.

After hearing arguments for more than one hour, Burr told both sides he needs time to make a decision.

"I am a brief stop over on the motion to dismiss," he said. "You will both have my decision by memorandum, but it will be awhile and won't be decided in 10 days."