

# Business sues city over Cherry Street construction

**LAWSUIT, from Page 1**

store merchandise from the trucks, then haul it to the store themselves. They want the city to pay for these costs for 10 years, when Richard Miller, now 55, plans to retire. Jolene is 51.

The Millers are asking for \$50,000 for loss of income during the construction from May to August 2000, \$31,500 to transport merchandise from a warehouse and \$12,000 to rent it for 10 years.

They also want to be reimbursed for damage to pavement and guttering in a parking lot, estimated at \$10,000, and for the costs of a new culvert and road access leading from the building to the

north of the property, about \$6,000. They want a jury trial.

The suit was originally filed on Dec. 21 with no dollar amounts listed, just "an amount over \$75,000." The city was served with the updated figures on March 11.

The Millers added to the lawsuit on Tuesday, Aug. 6, asking for a small piece of property they say the city owes them. They said they spoke to Pickman and Jerry Nemecek, city building inspector, around April of last year, and they were told a triangular piece of land of several hundred feet would be blocked or taken over by construction at the southeast portion of the lot, and that the city would give them a trian-

gular-shaped piece of land due west of the building, to "square up with the new road."

They have not received the deed to this property, the Millers said, and they want either the land or to be reimbursed for it.

The city's attorney for the case, Allen G. Glenderring of Watkins, Calcara, Rondeau, Friedman, Bleeker, Glenderring and McVay of Great Bend, says the Millers had plenty of notice of what was going to happen to the property.

It was pointed out there was a public meeting in July 1996 to discuss the construction project, plans were approved by the Kansas Department of

Transportation in 1997, and the construction on Cherry was discussed at city commission meetings in June 1998, November 1999 and March 2000.

All plans and maps were open to the public, the city said, and there was never a contract with the Millers which said the east alley would not be closed. The city says it has every right to improve roads, and that "sales are not a known factor." It points out that Grass Roots had more sales last year than in 2000.

Income statements in court records for Grass Roots show last year the company had \$201,167 in sales and \$200,091 in expenses, for a net profit

of \$1,075. In 2000, they brought in \$192,801 in sales, and their expenses, including payroll, taxes, rent, merchandise, parts, insurance, and supplies, came to \$192,398 for a profit of \$402.

The property was worth \$50,000 when the Millers bought it, the city says, so even if the property was completely destroyed, it would be worth no more than \$50,000.

The Millers are asking the court let them bring in a real estate appraisal expert who will say how much value the business has lost.

The Miller's accountant, Mary Ann VanVleet of H&R Block, said in a written statement that she would "more

agree than disagree" that sales are down about \$1,500 per month since the construction and that it would probably be long-term. She said she looked over the company's books for the last three years.

In a claim letter sent to the city June 6, 2001, the Millers' lawyer said the company's average yearly gross income was \$250,000, and asked the city pay them that much for damages, or a lawsuit would be filed. They said the city never responded to that letter, and since 120 days had passed, they could legally go forward with the suit.

"One year of income is certainly a reasonable measure of the damages (my client) requests," Boone wrote.

# School board preparing for shortfalls from the state

**BUDGET, from Page 1**

\$66,000 more in taxes last year than it had budgeted and was allowed to spend, so it put the money in this year's budget instead.

The value of property in the district has slightly increased in the past year, but since the district lowered its property tax rate it will actually bring in a little less tax money this year.

The rest of the district's budget will come pretty much from the state.

How much money the state gives to the district depends on a lot of factors, but the most important is the number of students in school.

The simplest way to explain it is that the district basically gets a certain amount of money from the state depending on student numbers.

Selby said lawmakers have promised to give schools \$3,890 per student next year, but because of money problems that number may be reduced by \$50 per student or 2 to 4 percent.

While doing the budget, Selby said, the district estimates what its enrollment will be next year and figures out how much it will get from the state based on that number.

The number used isn't actually how many students are in school, however, because several factors cause it to go up or down.

For instance, the state allows schools with declining enrollment to use either the previous year's enrollment or an average of the current year and the pre-

vious two when figuring state aid.

This year, Selby said, the district decided to use the three-year average and came up with 1,059 students, using the 2000 enrollment of 1,128, last year's enrollment of 1,048 and this year's estimate of 1,002.

An official count will be taken on Sept. 20.

Selby said this year's enrollment is an estimate based on the number of students in school at the end of last year. It could be lower, he said.

"We know not everyone will be back," he said.

The superintendent said he's been hearing that if the state continues to bring in lower revenues than it projected state aid to schools will be cut. Employees don't have to worry, he said, because the district is prepared for that.

Selby said an extra \$130,000 was put into the contingency reserve fund in case the state sends less money.

All restrictions on how money in the

reserve fund can be spent were lifted on July 1, the start of the new fiscal year, he said.

The district also padded an account used to pay the heat bills, Selby said, and if it's a warm winter that money can be used, too.

He said he feels good about how the new budget turned out.

"We have enough built-in cushion," he said. "We'll have no problem making payroll. No one needs to worry about salary."

# 4-year-old deemed victim of abduction rather than drowning

*By the Associated Press*  
**NATIONAL**

LOS ANGELES — A 4-year-old girl who was initially thought to have drowned in a Los Angeles park was abducted, police said.

Divers had searched the lake in Echo Park, on the edge of downtown, for two days after hearing from Jessica Cortez's 5-year-old brother that she might have fallen in. At the same time, other officers went door to door interviewing witnesses around the park, and police concluded late Monday that she had been kidnapped.

"In the last few hours we have switched to make this an abduction as opposed to a drowning and we have had additional information that has led us to believe that we are focusing on a specific individual," police Capt. Douglas Shur told reporters at a news conference at the park Monday night.

More than 200 police officers investigated the case, Shur said.

Several people recognized a composite drawing of the suspect as someone who frequented the park regularly with his brown Chihuahua dog, Shur said. Among them were the girl's parents who made a tearful plea in Spanish for her return.

CAPE CANAVERAL, Fla. — NASA said cracks in equipment could mean more delays for the launch of shuttle Atlantis.

The cracks were found in the bearings of the massive 1960s-vintage movers used to haul space shuttles to the launch pads. The problem was reported Monday just as technicians finished fixing fuel-line cracks inside

shuttle Atlantis.

"It's too soon to tell what impact, if any, there would be on the schedule," said NASA spokesman George Diller.

Three small cracks in the plumbing of Atlantis were welded over the weekend, putting the shuttle on track for a launch as early as Sept. 28. A crawler is needed, however, to get the shuttle from the hangar to the pad, and engineers do not know how long the bearing repairs will take since there aren't nearly enough spare parts.

The mission to add another piece to the international space station had been scheduled for August but was delayed because of the fuel-line cracking that grounded NASA's entire shuttle fleet.

Diller said the cracked bearings were discovered Friday during routine inspections. Damage was found in both of NASA's crawlers, 6 million-pound platforms with giant tanklike treads that were built in the 1960s to transport the Saturn V moon rockets to the launch pads.

LOUISVILLE, Ky. — A doctor who is trying to clone babies for several couples as part of a controversial experiment said cloning isn't such a "monstrous" procedure, but he acknowledged that risks do exist.

Dr. Panayiotis Zavos appeared on CNN's "Connie Chung Tonight" on Monday with an American couple who will be the first to take part in the cloning. Six or seven couples hope to have a baby next year as part of the experi-

ment.

"The public will realize that this is not as monstrous as ... it may sound. Once they see a baby dressed in pink or blue, they will say, 'What a wonderful thing,'" said Zavos.

But "for me to say there are no risks involved, that would be a pure lie," he added.

The American couple — known only as Bill and Kathy — described publicly for the first time the failed attempts to have a child that led them to turn to Zavos.

The reproduction researcher said he plans to clone a baby for the couple by taking DNA from Kathy and adding it to a donor's egg. The donor's DNA would be removed from the egg, which would be implanted into a surrogate mother.

Zavos resigned last year from the University of Kentucky to help lead the human cloning effort.

NEW YORK — The state and city will get \$4.6 billion in federal aid to build a transportation hub at the World Trade Center site that Gov. George Pataki said would help make lower Manhattan "stronger and better than before."

Money for the project is being allocated from the \$21.4 billion that the Bush administration and Congress have already pledged to aid New York's recovery from the Sept. 11 attack. The money will augment \$1.8 billion already committed by the

Transportation Department to rebuilding shattered train and subway lines.

The funding to link subways to ferries and commuter trains is "an essential component of our ongoing effort to bring lower Manhattan back, stronger and better than before," Pataki said.

Pataki joined Mayor Michael Bloomberg and Sen. Hillary Rodham Clinton, D-N.Y., at the site Monday to announce the news.

The transit hub is expected to include a pedestrian concourse to the World Financial Center, a major office complex nearby. It will also link the city's subway system with ferries and commuter trains to New Jersey.

**WASHINGTON**

WASHINGTON — Treasury Secretary Paul O'Neill says the country's economic fundamentals are strong and that most people are remaining calm despite the stock market's wild gyrations.

"As I travel around and talk to people in communities, I find people are more calm than one would assume," O'Neill, the chief economic spokesman for the administration, said in an interview with The Associated Press.

"People over 35 or 40 have seen ups and downs in the economy before ... so I think they are not overly taken with the fact that the markets are going through an adjustment period," O'Neill said.

O'Neill conceded that some economists have started to worry that the economy could dip back into a recession based on the big tumble the stock market has taken in recent weeks over fears of further corporate accounting scandals.

But O'Neill said he was confident that a new recession could be avoided and he predicted that the current recovery would soon start generating enough jobs to push down the unemployment rate — now stuck at 5.9 percent.

"There are people out there forecasting a double-dip. I don't see the basis for that in the data we are looking at," he said.

WASHINGTON — Drought conditions are reducing corn, soybean, cotton and wheat production in many areas this year, but consumers are not likely to see the impact at the checkout

counter anytime soon.

Corn production in 2002 will total 8.89 billion bushels, 7 percent below last year and the lowest since 1995, the Agriculture Department said Monday. Soybean production is expected to drop 9 percent from last year to 2.63 billion bushels, while wheat will be down 14 percent at 1.69 billion bushels and cotton 9 percent lower at 18.4 million 480-pound bales, officials said.

Buyers are uncertain about how and when the smaller harvests will boost retail food prices.

"It's too early to tell now based on the information because most of the raw materials we need ... are already in production or are being processed," said Gene Grabowski, spokesman for the Grocery Manufacturers of America. "For right now we're OK, mainly because we buy so far in advance."

Agriculture Secretary Ann Veneman announced Monday that \$150 million in supplemental feed is being made available to farmers raising cattle in areas most severely affected by the drought.

## PROOF OF IDENTITY OF SCHOOL CHILDREN

S.B. 593 provides that whenever a child enrolls in a public or nonpublic school for the first time, the school board is required to secure proof of identity of the child. Proof of identity is either (a) a birth certificate for a child enrolling in kindergarten or the first grade, a copy of the court order placing the child in the custody of the Secretary of Social & Rehabilitation Services (SRS), or a certified transcript of other similar pupil record of a child enrolling in grades two through 12, or (b) any other documentary evidence that a board determines to be satisfactory proof of identity.

If proof of identity is not provided to the school board within 30 days of enrollment, the school board must notify the local law enforcement agency, which then must promptly investigate the identity of the child. No person claiming custody of the child may be informed of the investigation while it is occurring.

During the investigation regarding a child's identity, school personnel must provide law enforcement agencies with access to school premises. Unless school personnel and law enforcement agency personnel agree that their joint presence is not in the best interest of the child, school personnel must be present at all times when law enforcement personnel are conducting such an investigation on school property. In this regard, school personnel are subject to the confidentiality requirements of the Kansas code for Care of Children.

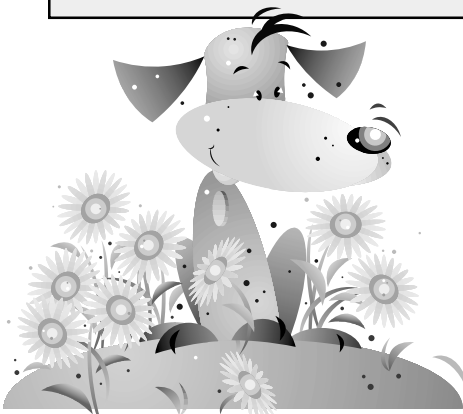
In addition, the law provides for:

1. Noting of a child's school records that such child has been reported as a missing child and maintaining any such record separately from other records;
2. Provision to a requesting school of proof of identity information by a school district which otherwise is withholding school records due to failure of the pupil to return or pay for school property;
3. Provision by the State Board of Education to a nonaccredited private elementary or secondary school of the registration of another such school from which a pupil transferred (this provision already applies to school districts and accredited nonpublic school) and
4. Treating as confidential any information gathered in the course of the investigation to establish the identity of the child, except as such information may be used in a criminal prosecution resulting from the investigation.

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