

Council members get homework

By Tom Betz
The Goodland Star-News

Sherman County Economic Development Council members got some homework for the December meeting planned for 5:30 p.m. on Tuesday at Western State Bank to help formulate plans for the next year and five years ahead.

Tiffani McMinn, economic development director, told the members at the November meeting she wanted them to take ideas she wrote down and let her know what they like or dislike about them.

"This is what I do when I cannot sleep," McMinn said. "At December's meeting we need to have some ideas about what we are doing for the next year and in the next five years."

"We need more measurable goals to see where we are and where we are going. We need to pick our target areas. What kind of business are we best for?"

"We will not turn anything down, but there are businesses out there that will fit our area better, and those are the ones we need to target."

McMinn handed out three goals for the council to consider:

- Develop a coordinated economic development process with the objective to expand industrial base and add quality jobs to the economy.

Under the goal she had six action steps, identifying specific people to be involved and a target completion date for each.

Among the steps were identifying business needs in the community and develop committees to pursue recruitment; encourage revitalization of the Goodland Industrial Development Corp., which owns the industrial park; develop an entrepreneurial incubator; and develop strategy for a Project Development Fund.

"We have \$35,000 in the budget," she said. "We need to look at what we want to focus that on. I want to have that moving as soon as possible."

"I want to plug the money into the community, but want to find ways to triple or quadruple that through grants."

"We are busy in the office, but we are not prepared for the future. I feel bad that we are always playing catch up. We need to be ahead of the curve. I want to develop a more proactive process for our meetings."

- Looking at housing issues and opportunities.

- Enhancing the appearance of the community.

"I would like to see a committee on each of these areas," McMinn said, "and actually meet on getting these done. I want to get more people involved."

"Will we have the results from the Dec. 4 vision retreat?" asked council member Harlan House.

McMinn said she could send members information from that meeting.

Vice Chairman Don Newell asked if McMinn wanted to have the committees set up by the December meeting.

She said if the council members can e-mail her their thoughts ahead of the meeting, it would be better.

"It would be good to get as many people involved as possible," House said.

"I want to have our ducks in a row before we go to the public," McMinn said.

In other business, the council:

- Held a 15-minute closed door meeting to discuss a personnel matter. When the meeting reopened, the council unanimously approved moving office receptionist Helen Dobbs to full time with county benefits. The increase moves from part time at 29 hours a week up to 40 hours, and will give her individual health insurance coverage. She is paid \$8 an hour, and the hourly rate was not changed by the council.

- Heard that the Goodland Guide is moving forward and that all the information has been sent to the printer. McMinn said the script for a DVD promotional has been turned into S&T Telephone. She said the county website is getting close, but needs more information.

- Approved having the Prints and the Paper print a community profile at a cost \$706. McMinn said these would be on 8 1/2 x 11 paper in pads of 100 so they could be ready to put in packets or give to people who are asking for information. The project would print 500 pads. She said the Chamber of Commerce would like to purchase 65 at a cost of \$100. She said some of the pads would be given to the real estate agents and possibly to the hotels and other businesses.

- Approved giving McMinn up to \$400 to purchase decorations for the office, asking that she look for local art or photos first. McMinn said she felt the office needed to have a more professional look.

matters of record

District Traffic

The following fines were paid in the Sherman County District Court:

Nov. 18 — Tina A. Lewis, \$144 for speeding.

David H. Lopez, \$132 for speeding.

Sandra I. Wright, \$183 for speeding.

Nov. 19 — Anne C. Knorr, \$126 for speeding.

Robert A. Lang, \$132 for speeding.

Michael J. Murphy, \$246 for failure to yield to emergency vehicle.

Nov. 20 — Phet Ly, \$138 for speeding.

corrections

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Guild's quilts hang on display in museum foyer

The High Plains Museum has an exhibit from the Prairie Piecemakers Quilt Guild, including this peacock quilt (left) by guild member Carol Tupper, which won the People's Choice Award at the guild's show this year. Tupper's granddaughter, Raquel Tomsic, made this animal quilt (above) when she was 8. It was grand champion at the Northwest Kansas District Free Fair in 2005; her quilt this year, which won an award at the State Fair, also is on display.

Photos by Sharon Corcoran/The Goodland Star-News



Colby doctor out of work, plans appeal

By Patty Decker
Colby Free Press

A district court judge Thursday upheld a state Board of Healing Arts decision revoking a Colby doctor's license, leaving him out of work. His lawyer vowed another appeal.

Dr. Victor H. Hildyard and his attorney, Mike O'Neal of Hutchinson, had asked the court to overturn the August action of the board revoking the doctor's license.

"Generally, the court will not second-guess an agency decision that is within the agency's authority, even if it is claimed to be too severe," Judge Jack E. Burr wrote in an opinion filed at the Thomas County District Court.

Hildyard's attorney, Mike O'Neal of Hutchinson, said the case is not over.

"Dr. Hildyard's remedy is to appeal the decision to the Kansas Court of Appeals," O'Neal said, adding that he will ask the court to consider a decision by the board's hearing officer which basically cleared Dr. Hildyard.

The officer, Edward Gaschler, presided over a nine-day hearing in October 2005.

"Otherwise," O'Neal said, "why go to the trouble of having witnesses testify before a hearing officer? If the board can ignore the testimony and facts and decide based on their own bias towards the facts, why even have an administrative hearing process?"

O'Neal said both he and the doctor were "profoundly disappointed"

by Judge Burr's decision. Burr had issued an order staying the revocation until a full hearing, but that was struck down by the state Supreme Court.

"Burr apparently was of the opinion that he was powerless to change the board's order even if he disagreed with it," O'Neal said.

Board of Healing Arts Executive Director Larry Buening said Thursday, "the board was pleased the court found they had acted appropriately." He did offer an olive branch to Hildyard, noting that the doctor could ask to have his license reinstated.

"(The law) says that reinstatement after expiration of three years is available," he said. "The outcome of doctors who apply for reinstatement is varied."

Buening said the board could stay its own order, at any time, if the doctor is willing to take certain steps or provide clear and convincing evidence as to why this should be done.

"We may," he said, "on our own motion, decide to stay a revocation."

Buening added that his office has been inundated with telephone calls supporting Dr. Hildyard.

"It is not unusual for some patients when dealing with a physician to call," he said. "We have had many calls that are 100 percent Dr. Hildyard."

Those calls are noted, but cannot be considered as facts in the case, he added.

The primary dispute for Burr to

rule on involved nine of the 19 counts against Hildyard on which the board ruled he deviated from the normal standard of care.

Two of those counts dealt with obstetric patients — one when Hildyard was alleged to have encouraged the patient to push in an attempt to deliver a baby and delayed an emergency Cesarean section by refusing to call another doctor.

The second obstetric case dealt with a woman involved in a car accident and whether or not she should have been discharged from the hospital and sent by private car to Hays.

The other seven counts involved allegedly excessive use of steroids. The board claimed Hildyard should have considered other treatment.

In his opinion, Burr said after reading testimony from experts on both sides, he determined the standard of review for his court was to consider the evidence and determine whether a reasonable person could reach the same conclusion as the board.

Citing case law, Burr wrote the court must accept as true the evidence and all inferences which support or tend to support the agency's findings.

"The court is to disregard any conflicting evidence or inferences, the court does not evaluate credibility but accepts the agency's version of the facts and the court is not concerned with evidence which might support other conclusions," he

wrote.

"The findings of facts of the hearing officer and the later findings by the full board are set out individually as to each of the 19 counts and this court finds that the findings are in agreement as to the facts other than the board's additional findings in those counts which had issues as to the standard of care."

In his conclusions, Burr stated while the court adopts the findings of facts as outlined by the board's order, the court might have arrived at a different decision, as did the hearing officer.

However, Burr added the court "cannot find that a reasonable person could not reach the conclusions reached by the board based on the record as a whole...."

"The argument that the order of revocation is excessive punishment cannot succeed since the board had the authority to make the findings and orders that it made."

"The fact that the actions of the doctor may be argued to have caused no harm does not add to the discussion of this case. Even if this allegation is accurate, there is no requirement for harm to occur before action can be taken."

Burr said the board has the power to issue and revoke professional licenses of doctors, given by the Kansas Legislature.

"The administration of licenses and enforcement of actions of license holders is delegated to the board and is not a function of the judicial branch," he said.

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