



# COLBY FREE PRESS

## Rovohl township road transfer raises more questions

By MICHELLE L. HAWKINS  
*Colby Free Press*

The transfer of the Rovohl township roads to the county was once again the center of discussion at Monday's meeting of the Thomas County Commissioners.

Chris Bieker, county road supervisor, was on hand to discuss some of the details of the turnover, which is scheduled to take place on Jan. 13, 2003. Also in attendance were Rovohl residents Stephen Shull and David and Sherry Kriegshauser.

Bieker requested permission from the commissioners to hire a full time

employee to use in Rovohl township for part of the time and to use in the county at other times.

Commissioner Ron Evans said that he and the other commissioners were not prepared to make a decision about hiring another employee for the road department. Although approximately \$12,000 is available in the township's budget for wages for the employee, if the county was to hire a person for full time, the remaining balance of their salary would come from county funding, Evans said. Evan said that with the cut back in state funding, the commissioners would have to discuss it further

before making a decision.

Further discussion was held about the equipment that is owned by the township. Bieker said that he could use the blade, mower, loader and possibly the tractor. The truck owned by the township has a cracked block, and that isn't something Bieker said he would be interested in. Shull also added that he believed the township owned a fuel tank, a water tank and a submergeible pump.

Questions about the funding availability were also raised. Bieker said the budget for next year is \$5,000 less than the \$63,000 that was budged for the

township in 2002. The county will only operate on as much funds as are available.

"When the money runs out — the money runs out," said Evans.

The other issue raised was the maintenance of roads which are not on section lines. The Kriegshausers live on a road that is not on a section line and were questioning as to whether their road would get maintained. They told the commissioners that they assumed the road would be maintained, since it had been done by the township in the past.

Thomas County Clerk Tracy Perkins

told the Kriegshausers that at last Monday's meeting of the commissioners, the Rovohl Township board told the commissioners they had been maintaining several private roads as a courtesy to the residents.

The commissioners reiterated their stance of being consistent and told them it would not be maintained since it was a private road and is not on a section line. In the previous two townships which have turned over roads to the county, East Hale and North Randall, only section line roads are maintained by the county.

Bieker raised the question of insur-

ance and liability for the county to even work on a private road and questioned as to who the rightful owner of the road was and when it was built. "I don't care who built it. I want to know who owns it now and who is going to maintain it," said Mr. Kriegshauser.

The commissioners agreed to investigate the situation further as did Kriegshausers, since a possibility of deeding the property over to the county could be a solution.

In other business:

- The commissioners approved six tax abatements for various reasons, which totaled \$606.18.

## Trains... are running on schedule

By PATTY DECKER  
*Free Press Editor*

Who says there is very little train activity in Colby?

There's lots of it!  
And that will become apparent on several dates later this month.

The Kansas Model Railroad Club, based in Colby, will be having its annual holiday open house in the Colby Public Schools administration building, 210 S. Range.

The open house is scheduled for Saturdays and Sundays beginning Dec. 14 and 15 and Dec. 21 and 22 from 1 to 5 p.m. On Thursday, Dec. 19, the time will be 7 to 9 p.m.

Club members are encouraging everyone to see the latest additions, which includes eight more tables filled with model trains.

For those planning to attend the open house festivities, club members are asking visitors to enter the facility on the west end of the building

(old fire exit) and up the stairs.

"This is our fourth open house during the season," said John Donelan, one of the members, "and we are very excited about all the new additions that make up 2.7 scale miles of track."

Offering some perspective as to the size of the display, Donelan said that club members from Colby, Oakley and Grinnell have added additional track and train layouts comprising some 26 tables, with each table being about 6' feet in length.

"We have many different types of scenes ranging from rural to mountain to steam yards and cities with residential areas scattered throughout," he said.

In addition to the club's open house, Donelan and other model railroaders are recommending that people stop by the First National Bank, 1195 S. Range Ave., Colby, and also see the train display sponsored by Larry and Patsy Arehart. That particular display,



DARREL PATTILLO/Colby Free Press

Steve Golden of Oakley, left, and Don Saddler of Colby added train tracks Monday night as John Donelan looked on. The three are members of Colby's Kansas Model Railroad Club, which is in the process of expanding. The club is hosting a series of holiday open houses.

Donelan said, will be available for viewing from now until after Christ-

mas. For questions about the railroad club or the open house, call Donelan at

462-6259. Admission to the show is free.

## Attorney gets the green light to obtain certain information

By PATTY DECKER  
*Free Press Editor*

A routine motion hearing last week involving a civil lawsuit initiated by a Colby hospital employee against a local physician resulted in District Court Judge Jack L. Burr of Goodland giving the "go ahead" for the doctor's attorney to collect certain information.

In addition, it will probably be the last ruling Burr makes in this particular case after informing both attorneys that he intends to reassign the case to another judge.

During the telephone conference call, Burr said he will allow Dr. Victor Hildyard's attorney, Michael O'Neal of Hutchinson, to begin the accumulation of medical/psychiatric records and employment records on Margaret Ann Staats of Menlo for purposes of discovery in the case.

Another outcome from the conference hearing between Burr, O'Neal and Staats' attorney, Charles Worden of Norton, was to also allow O'Neal access to all law enforcement records pertaining to Staats, which the court would examine in closed session to determine what, if any, records may or may not be relevant.

According to Kansas law, a plaintiff, which in this case is Staats, who files a lawsuit alleging injury and damage, places their medical and mental condition in issue and is deemed to have waived the physician/patient privilege for purposes of the lawsuit. In this particular lawsuit, Burr granted the motion and will allow Hildyard's attorney to get records dating back 10 years.

Although the telephone conference was the first step in the discovery process, Kansas law further says that any

orders for records are confidential and will only be used in a lawsuit to prove or disprove certain claims.

With respect to the case being reassigned, Burr told both sides that a new judge would be named in the near future, but had no further comment on the reasons as to why he was removing himself as the judge.

This particular lawsuit was initially filed at the end of October by Staats alleging severe emotional distress from the doctor's extreme and outrageous nature. In her lawsuit, Staats is asking for in excess of \$75,000 for the alleged actions by Hildyard and in a second cause of action, is requesting the court to grant her husband, Troy Kent Staats, also in excess of \$75,000. The monetary remedy is based on the doctor's alleged damage caused to both of them.

Along with Staats civil suit, and in a separate action, a second lawsuit was filed by Dr. Duncan Davis, who is a surgeon in both Goodland and Colby. In that lawsuit filed toward the end of November, Dr. Davis names Drs. Hildyard and Raymond Ketting, along with Judith Sears, a board member at Citizens Medical Center, Inc. for defamation of character issues and is asking for in excess of \$75,000.

Thus far, the only person to have responded to Davis' allegations is Sears through her attorney, Ron Shalz of Colby. In her reply, which was filed on Friday, Nov. 27, Sears is requesting that Davis produce documents that substantiate his claim that she defamed his character.

In the request, Shaltz on behalf of his client, is asking for documents, statements, or other reports from Davis's

attorney, Larry G. Michel of Salina.

Along with Sears' request for these documents, she also denies all allegations made by Davis and further requested a judgment in her favor for costs and relief as the court believes equitable.

Prior to the most recent discovery motions in the Staats lawsuit and the most recent allegations by Davis, an administrative hearing was held on Wednesday, Nov. 20, relating to grievances from original allegations made by Staats against Hildyard back in late April of 2002. Within two days following those initial allegations, Staats was reported to have recanted the statements. The results of the administrative hearing have not been publicized, nor are any of the parties involved commenting, since these types of hearings are not open to the public.

## A good report on wheat crop

WICHITA (AP) — With fall wheat seeding now finished, the condition of the newly emerged 2003 crop looks mostly good, the Kansas Agricultural Statistics Service reported Monday.

In its last weekly crop report for the year, the agency rated wheat condition

as 1 percent very poor, 9 percent poor, 31 percent fair, 51 percent good and 8 percent excellent.

About 15 percent of the wheat acres are now being pastured, higher than the 10 percent last year or the 9 percent average for grazing.

The service said November has been drier than usual and soil moisture is a concern in many areas.

About 97 percent of the sorghum crop has been harvested, as well as 99 percent of the soybean and sunflower acres, the service said.

Pasture conditions were rated as 33 percent very poor and 29 percent poor. Just 27 percent were listed as fair and 11 percent as good. Hay and forage supplies are mostly unchanged and rated 51 percent short to very short.

## WeatherWatch Colby-Oakley area

**The numbers**  
Monday's high, 54  
Low this morning, 20  
Year ago today, 56 and 25  
Records for Dec. 3: 68 in 1988, -5 in 1919  
**The forecast**  
Tonight, toss on an extra blanket as the lows will topple into the teens, cloudy conditions will persist and there is a slight chance for light snow. Wednesday, continued cloudy, highs upper 20s, chance for light snow, light and variable winds. Wednesday night, becoming partly cloudy, lows in the upper teens. Thursday, sunny, a little warmer with highs in the lower 40s.

## Briefly

### Project will benefit carnival group

The Thomas County Amusement Association will be the beneficiary of "Charity Appeal Day," an annual project of Wal-Mart. A portion of all sales on Dec. 7 (Saturday) from 7-11 a.m. at the Colby store will be forwarded to the amusement association in its quest to create a home-owned carnival.

### Donations still needed for Genesis

As the Genesis Thomas County Food Bank board makes final preparations for this year's annual Christmas basket project, Geri Landry, one of the coordinators, is reminding everyone that donations are still needed. "Donations are down this year," she said, adding that individuals or groups that can offer financial assistance would be appreciated. For those wanting to make a contribution to help the food bank in buying the necessary items not in stock for the distribution on Saturday, Dec. 14, are asked to make checks payable to Genesis, P.O. Box 214, Colby, Kan., 67701. For questions, call Landry at 462-2258.

### College surplus sale scheduled

The Colby Community College Student Union will be the site of a garage sale of surplus items on Monday, Dec. 9. The college will be selling a variety of items. Silent auction items may be viewed from 1 to 3 p.m. in the student union on Dec. 9, and bids will be accepted from 3 to 5 p.m. For information about the auction or the items, call 462-3984 ext. 204.

### 'Share' sign up is this week

SHARE sign up will be this week at State Farm Insurance in Colby. Gift certificates are also available. For information about sign up or purchasing a gift certificate, call 462-7525. The current cost of a share is \$16.50 and two hours of volunteer time. The price of share will go up in January to \$17.50 plus two hours of volunteer service. Meat packages, which are sold in addition to a normal share, will be \$9.50 plus one hour of volunteer time. The bonus specials will remain the same. For more information, contact Anna Fyfe at 462-3733.

### 'Coats for Kids' drive underway

The Colby Jaycees are once again collecting coats for youth in need. Anyone in the community interested in donating good, clean winter coats in sizes from infant to adult are asked to drop them off at one of the two collection boxes in town, said Bonnie Lewis, one of the organizers. The boxes are located at Dillons and Pioneer Memorial Library beginning today. The actual distribution of the coats will be on Saturday, Dec. 21 at the Jaycee Center. For questions, call Lewis at 462-3627.

### Largest stockings waiting for youth

The Colby Fire Department is reminding everyone that in less than two weeks, the "World's Largest Stockings" will be given away to one boy and one girl during the holiday season. For a \$1 donation, anyone can buy a chance at winning the stockings with tickets available at the Colby Fire Department, said Rick Dickman, assistant fire chief. For those wanting to see the stockings, there is one at Santa City and also at the fire department, 585 N. Franklin Ave. The drawing will be held Dec. 15.

