

# Happy New Year!

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## COLBY FREE PRESS

# Stage is set for more Colby rental space

By John Van Nostrand  
Colby Free Press publisher

One of Colby's newest landlords is looking for a tenant. John Macgirvin of Kansas City, Mo., recently purchased the vacant Stage clothing store building in the 1900 block of South Range Avenue. "I was running across some property available on the Internet and I thought this was desirable," Macgirvin said. He owns various properties in Kansas and Missouri. The building measures approximately 12,000 square feet. Included in the purchase were the adjacent buildings Maurices and Claire's's are in, making a total of 18,000 square feet. Macgirvin said there are no immediate plans for Maurices or Claire's, but he is trying to find a tenant for the Stage building. Stage closed in early 2001. Macgirvin said he is willing to divide and lease portions of the building. He has spoken with some Colby residents who are interested

in opening a youth center in town. After negotiations, Macgirvin said organizers did not approve a contract for the building. "I would still love to see a youth center in Colby," he said. Macgirvin said he does not have any history or connection with Colby other than driving through town on his way to Colorado. "I'm from Pratt. I'm used to small towns and junior colleges," he said. "I thought it would be a good idea to have property here. The Lord has been gracious to me giving me a little money." **Available space** The addition of the Stage building expands the amount, and diversity, of available space in Colby. And more room is expected. "I look at what he has and it is for retail space," said Thomas County Economic Development Executive Director Gerry Fulwider. "And we still have places on Main Street." Fulwider said his office's work is geared more toward attracting industry and job creation, but has no-

ticed the diverse amount of available space for lease or sale in Colby. Fulwider said there is space for everybody in Colby. "There is going to be a new strip mall near Wal-Mart," he said. Located near the Interstate 70 exits, retail space close to the interstate will be visible to the thousands of cars that pass by each day. But if a prospective business owner is looking something more quaint, Fulwider said there is room closer to Colby's business district. "Our weak link is downtown retail," he said. Recently a women's exercise facility and accounting firm have opened in the business district. And if somebody wants some room to roam, Fulwider commented about the vacant space adjacent to Heartland Christian School on Colby's west side. That building measures approximately 55,000 square feet. "But you have got to be careful with what goes in that, with the kids and all," he said.



JOHN VAN NOSTRAND/Colby Free Press  
The former Stage building is the newest addition on the list of available space to lease in Colby. A Kansas City, Mo., man recently purchased the building.

# Decision nears in Dr. Hildyard case

By JAN KATZ ACKERMAN  
Colby Free Press

Time runs out today for paperwork to be filed with the state's medical licensing board in a local doctor's case. Larry Buening, executive director of the Kansas Board of Healing Arts, said both sides in the case against Dr. Victor Hildyard have until today to file final briefs. "The presiding officer, Mr. Edward Gaschler, will now issue an initial order which will include separately a finding of fact, a conclusion of law, and policy reasons for his decision," Buening said. Hildyard is alleged to have committed 18 violations against the Kansas Healing Arts Act from 1996 to 2003. According to petition filed in the case, allegations are inclusive "but not limited to professional incompetency and or unprofessional conduct" and "constitute ordinary negligence."

Hildyard is alleged to have failed to practice medicine at the level required of other practitioners under similar conditions and circumstances. Having had his privileges and medical staff membership terminated at Citizens Medical Center Hildyard is alleged to have violated the Healing Arts Act by having had the disciplinary action taken against him by the hospital. State law gives Gaschler 30 days from today to render a decision about the future of Hildyard's Kansas medical license. Unlike his Kansas license, the doctor's Colorado license has never come under review. Buening said there is one major caveat to the time period of Gaschler's initial order being is-



Hildyard

sued. "The deadline can be extended for good cause shown," he said. "I know this is a complicated hearing and Mr. Gaschler could request more time." Gaschler's initial order could come under review by the 15-member board which licenses or registers 13 different health care professions. The Kansas Board of Healing Arts is a state agency set up to protect the public by requiring those professionals to meet and maintain certain qualifications and standards of conduct. "Our normal policy is that the whole board reviews (a case) whether or not either side requests it," Buening said. Hildyard's attorney, Mike O'Neal of Hutchinson, or the board's attorneys, David Steed of Wichita and Diane Bellequist of Topeka, could also ask that the order be reviewed. Buening said earliest date for an initial order being available to be

Feb. 10 and 11. If the order is not ready in February, the board won't meet again until April 8. Gaschler's initial order is required by state law to include a "concise and explicit statement of underlying facts" about his decision. "He'll have to weigh the evidence, and if conflicting, determine which is more true based on fact," Buening said. After Gaschler's initial order is filed, board members only have 30 days to issue a final order in the case. Buening said there are typically three outcomes when a doctor's license is scrutinized. Those outcomes could be here was no violation of the Kansas Healing Arts Act; there was a violation but the board will take no action against the doctor; or there was one or more violation and the board takes action to revoke, suspend, censure, fine or otherwise limit the medical license.

## School finance plan delayed until Jan. 6

### Report to state how much money needed

TOPEKA (AP) — Legislators, educators and Gov. Kathleen Sebelius will have to wait a little longer for a long-awaited report that is supposed to guide decisions about providing additional money to public schools. The report from the Legislative Division of Post Audit was scheduled for release Wednesday, during a meeting of the committee that oversees its work. That meeting has been postponed until 9 a.m. Jan. 6 at the Statehouse. The division couldn't finish compiling, reviewing and editing the document and have it printed

before Wednesday, Barb Hinton, its director, said Thursday. The report will run nearly 300 pages and be bound in two volumes, she said. The report will estimate how much money legislators must spend to meet their duty under the Kansas Constitution to provide a suitable education to every child. The Kansas Supreme Court said early this year that lawmakers were failing to do so. "It's just going to have a lot of information," Hinton said. "It's a balance between the bottom line and the detail, and we're trying to provide as much of both as we can." Legislators will convene their 2006 session only three days after the report becomes public.

## Proposal encourages non-irrigation

By Patty Decker  
Free Press Editor

Producers with irrigated cropland in areas of Thomas, Rawlins, Sheridan, Decatur, and Norton counties, along with other locations, might want to take advantage of a conservation provision by converting to non-irrigated croplands. "In addition to the regular Environmental Quality Incentives Program, producers across the state may apply for financial assistance through the Ground and Surface Water Conservation provisions of EQIP," said Andrew Burr, district conservationist with the United States Natural Resource Conservation Service in Colby. However, financial assistance would require the conservation practice results in net savings in the ground and surface water resources in a producer's operation. An added provision in the ground and surface water conservation for fiscal year 2006, he said, is the designated quick response areas. This particular incentive program is one of the largest in the 2002 farm bill and is a voluntary conservation program to promote environ-

mental quality and to assist farmers in meeting local, state and federal regulations, Burr said. "The Natural Resources Conservation Service will provide EQIP financial assistance for eligible applications located within quick response areas (see map) where producers convert irrigated cropland to non-irrigated cropland," he said. The idea behind this incentive is in reducing water use in the High Plains Aquifer region. The quick response areas, which included parts of Thomas County, were identified by four Western Kansas Groundwater Management Districts and the Kansas Division of Water Resources. State Conservationist Harold L. Klaege said he is urging producers if interested in applying for 2006 funding to begin the process now. "When farmers or ranchers apply for the 2006 EQIP funding, they will be required to fill out the Kansas EQIP Self Assessment Tool for fiscal year 2006," Klaege said. The self-assessment tool is an educational tool providing landowners with a clear indication of what natural resource concerns they have, what they can accomplish, and what they need to do to qualify

for the program. "We see this (self-assessment) as a time-saving and money-saving tool," Klaege said. "We envision that the self-assessment will cut down on the time it takes the NRCS to process applications for EQIP and that it will also reduce the federal dollars required to administer the program and make more dollars available to producers." Last year, Kansas received more than \$24.8 million in environmental quality incentive programs with 2,022 contracts funded. "In Kansas, these funds will help farmers and ranchers install conservation practices that improve and protect Kansas' priority natural resource concerns," Klaege said. "After Jan. 20, the Natural Resource Conservation Service staff will begin evaluating applications received in Kansas." Producers who submit applications should know by March 2006 whether or not they have been accepted and the amount of assistance on their contract. To apply, call Burr at 462-7482 or stop by the conservation service office, 915 E. Walnut in Colby or online [www.ks.nrcs.usda.gov/programs/eqip/2006](http://www.ks.nrcs.usda.gov/programs/eqip/2006).

