

Magistrate judge is found guilty

By Sandy Barnhart/Karen Krien
Cheyenne County's Magistrate Judge Tamera Zimbelman faced charges of misdemeanor intimidation of a witness in court on Wednesday and Thursday and, on Friday, she was found guilty.

Judge Zimbelman had allegedly threatened Christopher Merklin, St. Francis, whom she accused of stealing her purse at the bowling alley in December 2001. The police searched his pickup at that time but came up with nothing.

A few days later, Judge Zimbelman's estranged husband Rell and friend Scott Baumfalk, Kanorado, went to Mr. Merklin's

home and allegedly demanded that he return the purse. After this visit, Mr. Merklin's father pressed criminal charges of trespassing and disorderly conduct against both men. Mr. Zimbelman was cleared of the charge but Mr. Baumfalk was found guilty of disorderly conduct when the case came to court in December.

Following the incident of the missing purse, Mr. Merklin said Judge Zimbelman called him up telling him to drop the charges or she'd take him to jail for burglary.

Judge Zimbelman admitted to calling Mr. Merklin but denied the alleged threat. She claimed that she had only called up Mr. Merklin to

ask about her husband and Mr. Baumfalk's visit to his home and that she really did want her purse back. Two other St. Francis residents Jim and Christy Miller were also suspected of taking her purse. However, neither Mr. Merklin or the Millers were ever charged with theft.

The state prosecution also had four other witnesses whose testimony conflicted with the judge's statements including Travis Stein, St. Francis law officer at the time of the incident; and Jason Ryan, officer and chief of police.

Officer Stein said that Judge Zimbelman had called him up and

told him that she was going to send someone to the Miller's home to scare them. The judge denied making the statement even though she admitted making the statement to Kansas Bureau of Investigation agents. She said that she felt the agents were "badgering" her so she had made the statement to make them stop.

Chief Ryan said that Judge Zimbelman had yelled at him when she had phoned him at 2 a.m. on Dec. 9 but this was in the case of a high-speed chase that was led by Judge Zimbelman's estranged husband Rell. This case recently came to

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Judge prohibited from judicial duties

Word was received Tuesday morning from the Supreme Court of Kansas and signed by Kay McFarland, chief justice, that District Magistrate Judge Tamera Zimbelman is prohibited from performing any judicial duties in the District Court. Instead, Judge Zimbelman will perform administrative assignments as directed by the Chief Judge of the 15th Judicial District.

The order will remain in effect pending final action by the Commission on Judicial Qualifications concerning Judge Zimbelman.

War begins

The sirens went off in Baghdad about 7:30 p.m. on March 12 and President George W. Bush appeared before the television cameras at 8:15 p.m. to say the "Operation Iraqi Freedom" had begun and that the troops would not settle for anything less than total victory.

Later reports indicated the bombing in Baghdad was a "target of opportunity" and that it was aimed at "high leaders in the Iraqi regime" without saying it could have been aimed at Saddam Hussein or other members of his inner circle. Thirty-five countries are part of the coalition that is supporting the effort to remove what President Bush deems a threat to world peace.

On Tuesday, troops were headed toward Baghdad but a sandstorm was slowing the air campaign. However, there were 1,400 sorties set with focus on the Republican Guard. Defense Secretary Donald Rumsfeld reported that the war could grow more dangerous as coalition forces close in on Baghdad.

"We cannot know the duration of this war, yet we know its outcome," said President Bush, who outlined a \$747 billion emergency spending

request that he called "directly related to winning this war."

CNN reported that British commanders said it appeared that an uprising against the ruling Baath Party was underway in Basra. Commanders told reporters for the British network ITV, that British forces had taken out an Iraqi mortar firing on apparent protesters.

The residents of Basra, an important center of Iraq's Shiite population and Iraq's second-largest city, staged an uprising after the Persian Gulf War of 1991. But without backup from coalition forces that had driven Saddam Hussein's regime out of Kuwait, hundreds of thousands were killed.

Elements of Iraq's 51st Division massed at Basra, bringing artillery, tanks and infantry into some civilian areas. And, about 1,000 irregulars of the Iraqi army have withdrawn into the city.

There also is a militia called the Saddam Fedayeen, dressed in civilian clothes, whose members have firing toward the British. Reports are that the Fedayeen, on the outskirts of Basra, are resisting with human shields in front of them.



Students learn about taking care of teeth

The St. Francis first and second graders were presented a program on good dental care by Lea Keller. Each class gathered around Mrs. Keller as she told them about how to brush their teeth, encouraged them to floss regularly, to brush their teeth at least twice a day and to visit their dentist at least once a year. Most of all, they were encouraged to eat healthy foods.

Each child received a toothbrush, toothpaste and disclosing tables to

see if there was any food left on their teeth.

The toothbrushes were donated by the Cheyenne County Health Department (Susan Roelfs, R.N. and Jerri Ann Zweygardt); and the toothpaste and disclosing tablets were donated by Dr. Melvin Dunn.

The American Dental Association provided activity sheets for the students. The sheets are to help children better understand proper dental care.

City employee's health insurance premiums jump

By Sandy Barnhart
For almost two hours the St. Francis City Council debated on where to go with health insurance for city employees. They have been with Blue Cross and Blue Shield, but with the jumps in premiums, it was costing more each year. However, when the March 18 meeting ended, the council was still with the same insurance but with a different policy.

Blue Cross and Blue Shield took a 39.78 percent jump and that was when the council was forced to look into other packages.

Charles Krull, Blue Cross Blue Shield representative, was present to explain the different packages.

The policy that the city carried last year cost \$146,771, keeping the same policy would run the city \$203,582. The renewal date is April 1 and after much deliberating the council voted on the second option which would increase the co-insurance from \$500 to \$1000 to \$1,000 to \$2,000. The city's cost for the policy plan will run around \$189,132 a year.

Hospital transformer
Superintendent J.R. Landenberger presented the council with the costs for the hospital transformer. At a previous meeting Les Lacy, hospital administrator, had come before the council asking that the city stand the costs of two transformers which would cost around \$14,300. Superintendent Landenberger explained that the site had been redesigned and the city was being asked to supply one transformer and conductors. The cost would run around \$7,700. It was unsure if the city or the hospital would be responsible for the pad which the trans-

former would sit on. The council tabled the issue until Superintendent Landenberger checked into the matter.

Superintendent report
Superintendent Landenberger explained that with the water study continuing in town he had plans of only repairing and sealing some streets around town. He felt there would be a possibility of some parts of the streets being tore up and it would be better to hold off on replacing streets until after the water study was done.

The council approved to send two men to

a road maintenance school in Colby.

The city will be combining the city's web page with the St. Francis Chamber of Commerce.

Fire equipment
St. Francis Fire Chief Sam Miller was present to ask the council's input on a grant which the fire department was applying for. He explained the grant was matching grant through K-State and was to help purchase nine fireman suits.

The suits will cost \$5,805. With the grant

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POSTMASTER Sonya Weeden, left, is the new Bird City Postmaster.
Herald staff photo by Casey McCormick

Postmaster takes over

By Casey McCormick
The new postmaster at the Bird City Post Office is Sonya Weeden, St. Francis. The appointment was effective as of Feb. 22 and was announced by Mark Kerchen, manager, Post Office Operations.

Mrs. Weeden succeeds Susan Schultz who was promoted to the postmaster of the Benkelman Post Office on Nov. 16. Mrs. Weeden has prior service with the postal service having acted as officer-in-charge in St. Francis and Bird City.

The new postmaster began her career in July 1985, as a window/distri-

bution Clerk in St. Francis where she performed daily duties before taking this position. postmaster. Mrs. Weeden has taken many postal training classes to enhance her abilities in postal operations. She said is looking forward to her new assignment.

"I'm happy to be in Bird City and serve in all the needs that the post office can provide," she said. "If any postal patrons have any question, please do not hesitate to ask me."

Installation ceremonies are scheduled for 10:30 a.m. on Tuesday at the Bird City Post Office. Mr. Kerchen will administer the oath.

Election scheduled for Tuesday

By Karen Krien
The 2003 general election will be held from 7 a.m. to 7 p.m. on Tuesday with voting places located at the Peace Lutheran Church in St. Francis and at the American Legion hall in Bird City. Those wanting to vote early can do so in the clerk's office at the courthouse until noon on Monday.

Registered voters will be casting their ballots for St. Francis and Bird

City city council candidates and Cheylin and St. Francis Board of Education candidates.

Watch for the listing of winners in next week's *St. Francis Herald* and *Bird City Times*.

Those positions up for election include:

Cheylin School Board: David Frisbie, District 1, position 5; Wade Carmichael, District 2, position 2; and Kerby Krien, District 2, position

4. All candidates are incumbents.

St. Francis School Board: Pete Kinen and, incumbent, Clifford Raile, District 1, position 1; Bonnie Zweygardt, District 2, position 2; John Knodel, District 3, position 3; and Sherry Weeks, Member-At-Large.

Bird City City Council: Frank Serrano, Troy Burr and a write-in candidate is Loren White. There are three vacant seats on the city council.

St. Francis City Council: Robert (Bud) Erskin, and incumbents Roger Jensen and Dale Weeks. There are only two seats up for election on the city council.

Mayor candidate: Scott Schultz.

Listed below are the candidates running for St. Francis Board of Education. The candidates for city council and mayor are on Page 3.

See MEET THE CANDIDATES on Page 3

Meet the school board candidates

Pete Kinen
St. Francis Board of Education
Pete Kinen is running for a seat on the St. Francis Board of Education in District 1, position 1.

He believes that the St. Francis Schools are fortunate to have a great standard of education and the schools also have all of the extra-curricular activities that are offered for students.

"I would like to be a part of the keeping of these high standards and to keep our school one of the finest

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John Knodel
St. Francis Board of Education
John Knodel, who is running in District 3 position 3 for a seat on the St. Francis Board of Education, has served on the board for five years, having taken the appointment following the death of Dean O'Brien.

He reported that he has enjoyed being involved in the school system but noted that there are several problems facing school boards all over the state including the St. Francis board. Those

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Cliff Raile
St. Francis Board of Education
Incumbent Cliff Raile is running for his fourth term on the board of education representing District 1, position 1. He feels that the main purpose of the board of education is to address and enforce school policy.

"The board is a vital link between the public and the administration," he said. "The board also has the responsibility to allocate our tax dollars wisely."

"Recently in America, we have

See RAILE on Page 7

Sherry Weeks
St. Francis Board of Education
Sherry Weeks is running for Member-At-Large on the St. Francis Board of Education. She has served for two years, having filled the position left by Daryl Loyd.

She said she has found the two years on the board to be enjoyable and likes being involved with the school. She sees the next few years as challenging as the state money funded to schools is being cut. Along with a shortage of funds,

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INSURANCE

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 paying for one-half of the suits, the county and city would each pay approximately \$1,500. The council approved to set aside \$1,500 for the suits if the grant is approved.

Building permits
 Building permits were approved for the following: Dale Leydig, erect small building.

Other business
 In other business:
 • A kennel license for Pat Crabtree was approved at North River Street.
 • Those appointed to the Kansas Municipal Energy Agency were Councilman Rodney Bracelin, governing body; Superintendent Landenberg, resident member and Mayor Scott Schultz, alternate.
 • Council woman Natalie Knodel, Councilmen Roger Jensen and Dale

Weeks were appointed to the tree board.

Council comments
 Councilman Dale Weeks explained to the council that George Harper, St. Francis Fire Chief, was applying for a 50/50 grant for fireman gear. The gear would consist of 10 pairs of pants and boots. The estimated cost to the city would be \$1,000. No decision was made.

Councilman Rodney Bracelin asked the council for permission to erect a sign at the airport saying "John Grace Field." The Airport Authority would stand the costs. The council approved.

Next meeting
 The next city council meeting will be held at 7:30 p.m. on April 8 at the St. Francis Public Library.

KNODEL

Continued from Page 1
 problems include the state budget deficit and the declining enrollment. "We have not seen an improvement in the economic outlook or drought for Kansas but hopefully, both situations will improve shortly," he said.

He said that the school administrators have worked hard to minimize the impact of current problems while still improving the learning atmosphere for the students. Any vacancies left by retiring teachers have been filled by teachers within the system or with part-time help.

Consolidation is a concern as the matter continues to be debated at the

state level but he doesn't feel that he can determine when.

"It can be very detrimental to a community to lose its school consolidation," Mr. Knodel said.

Mr. Knodel and his wife Natalie own and operate Knodel Funeral Home in St. Francis. They have three daughters: Mallory, 19; Meredith, 17; and Madeline, 14.

WEEKS

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 she thinks that schools will be faced with consolidation.

Mrs. Weeks has found that the board and administration have made sure that the funds are spent wisely and the only staff cuts that have been made have been only if someone retires or resigns.

"The positions are not replaced if we can get by without jeopardizing the school system or the children," she said.

She sees consolidation, when and if it comes, as a hard situation for any school.

"I really hate to see any school close — it means too much to the town and the alumni," she said.

Mrs. Weeks works as an insurance clerk at the Cheyenne County Hospital. Her husband Dale, is the manager of the Wheeler Equity. They have five children: Lori, Scott, Lucinda, Heather and Ryan.

KINEN

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 in the state," he said.

Because he would be new on the board, he did not feel qualified to answer many of the other questions that other board members answered.

"I just need to serve awhile before I can give answers to those questions," he said.

Mr. Kinen is a farmer and rancher northwest of St. Francis. His wife "Griff" is the home economics instructor and assistant activities director at the high school. They have two sons, Tanner, who is 15 and a sophomore; and Trent who is 12 and in the sixth grade.



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SENIOR CITIZENS BIRTHDAYS were celebrated recently. Pictured having birthdays were: (1 to r) Fred Gemachlich, Ethyle Roelfs, Edwin Meyer, Alice Isernhagen, Lucille Price and ErvaGene DeAragon. *Herald staff photo by Sandy Barnhart*

JUDGE

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 court and Mr. Zimbelman was found guilty ending up with a \$626 fine plus \$175 in court costs.

In the "chase" case, St. Francis officer Mark Davidson testified that Judge Zimbelman had burst into his office, yelling profanities at him because he had contacted the Rawlins County Magistrate Judge Pat Carroll to set Mr. Zimbelman's bond. He had called Judge Carroll because he felt that there was a conflict of interest with the judge being married to the person who was being charged. Judge Zimbelman said he should have called her before calling Judge Carroll.

At that time, there was no policy in place as to who was next in charge when the judge's family member is involved in legal matters. There is now a policy in place.

In this incident, Judge Zimbelman wrote threatening letters to both law officers and the letters were written on official stationery. The prosecution pointed out that these letters were unprofessional, especially when she said in the letters that she would hold them "in contempt of court." The defense said that, while the letter writing was wrong, the letters were written by a wife who was upset, not from the standpoint of a judge. Judge Zimbelman did apologize to both officers in writing and in person.

Earlier in the year, the judge had also made another 2 a.m. call to Chief Ryan when she became upset because the law officers had searched her son's home. However, in this case, she was acting in the role of "judge" but of a private citizen.

The state's prosecutor Athena Andaya spent much time asking witnesses if they believed Judge Zimbelman's actions were out of line for a judge. Attorney Day, whom Judge Zimbelman had

worked for before becoming judge, was asked repeatedly if he thought the letter was unprofessional and Attorney Day repeatedly answered that the letter concerned him and that he did suggest Judge Jack Burr, chief administrative judge, be advised. Attorney Day did testify that he was trying to maintain a good working relationship between the magistrate judge and the law enforcement. Prosecutor Andaya asked Attorney Day if he had stepped down as Judge Zimbelman's lawyer when he learned that a copy of the letter had been sent to the attorney general but she did not wait for him to answer that question.

Both Attorney Day and Judge Burr admitted that the letters were of concern.

Prosecutor Andaya said the state's position was that Judge Zimbelman was not separating her personal and professional lives. She added that the judge needed to have a "respectable appearance in the community," but her husband was not helping her with that so she went to Mr. Merklin to try and stop the complaint from being filed.

Judge Zimbelman stands to lose her salary of more than \$40,000 a year.

Judge Zimbelman's attorney Roger Falk, Wichita, stated that it was a "simple" case of Mr. Merklin misinterpreting the judge's phone call. He told jurors that Judge Zimbelman had acted with "stupid or inappropriate behavior" but that it was not criminal behavior.

Attorney Falk had asked that retired Judge Stephen J. Nyswonger, Concordia, to acquit his client because the state's attorney had failed to prove that a crime had been committed and this request was denied. He then asked that Judge Nyswonger declare a mistrial as there were two of the witnesses,

Dennis Merklin and Brad Merklin in the courtroom during the opening statements and he believed she did not have a chance at a fair trial. This motion was also denied.

Judge Zimbelman could face up to six months in jail and a fine up to

\$1,000. Judge Nyswonger set the sentencing at 1 p.m. on April 24.

Judge Zimbelman could also face disciplinary action by the Commission on Judicial Qualifications, an advisory and investigative panel to the Kansas Supreme Court.

RAILE

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 been reminded that this is the land of opportunity and getting an education is one of the opportunities we often take for granted."

Mr. Raile thinks that some of the important issues facing the school districts and the board are school funding and the increasing numbers of students with special needs, noting that more often now, teachers must address the needs of students with behavioral challenges.

"School finance and funding have always been an issue but today this issue is of greater concern for most rural school districts as enrollment continues to decline and state funding significantly decreases," he said. "Add to this the financial crises at the state level and school funding could become a major concern for the future of our schools."

Mr. Raile reported that the current administration has been very proactive in this area and has made financial cuts for several years where cutting is feasible.

"For example, delegating the athletic director responsibilities among existing staff, replacing a full-time counselor with a part-time position, reducing kitchen staff and continuous reassessment of bus routes.

"One of the most immediate concerns will be justifying the current number of employees in our school district. With less than 20 students in some of the elementary grades, two

teachers per grade may not be feasible."

Mr. Raile does not see the consolidation proposal which has been discussed at the state level to be practical in rural areas.

"When funding makes it impossible to maintain the physical plant and/or our quality of education, then we must be prepared and proactive regarding solutions for our school district. I believe that these decisions are best made at the local level."

Over the years, Mr. Raile feels that he has been fortunate to have the opportunity to work with a fine administration and faculty.

"Our vision should be to support our existing faculty and maintain a high quality of education, both academically and socially, for our students," he said.

Mr. Raile is a rancher and farmer. His wife Judy is a Title I instructor at the grade school, they have three children, Lisa, Reid and Tyler.

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