

# LEASE,

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When Weathers asked to be released from his contract in the spring, a key issue was the use of chemicals on the property. Weathers and Willamette Mission Farm, Inc. signed a five-year contract with the city in March 2012 to lease the filbert orchards at \$10,000 a year, with Weathers keeping all the profits made by harvesting the filberts. Weathers was spraying pesticides on the orchards three times a year.

However, after the Big Toy site was moved to the orchards, concerns were expressed about the possibility pesticides from the spraying could spread to the play structure, which was completed in June.

"My concern is my ass being sued," Weathers said in the spring. "My concern is someone using the toy when the park is closed, get flu and found out I sprayed. I have too much to lose. I informed the city I would like to get out of the lease."

The contract signed

with Schurter this month thus reflects the concern, as section 9 deals with chemicals and fertilizers.

"The only chemicals and fertilizers to be used by tenant are fuel and oil contained in equipment and mobile servicing vehicles and Glyphosate (Roundup) applied to the ground," the contract reads. "Tenant shall not, without landlord's prior written consent, use any other fertilizers or chemicals."

A concern about not using chemicals on the property is the deteriorating health of the trees, as the chemicals were being used to stave off the blight of the trees as long as possible.

"The parties acknowledge that without use of chemicals and fertilizers, the trees will suffer and the life of the trees will be shortened," the contract reads in part. "Tenant is not liable for the death of the trees, but shall promptly remove dead trees within 30 days after completion of harvest."

Schurter referenced the health of the trees when he submitted his original proposal last summer.

"Because of the poor health of the trees, Schurter

Enterprises LLC will not be liable for the death of the trees," Schurter wrote at the time. "The non-use of chemicals will speed up the death of the trees, but it is hard to say exactly how long they will last. Hazelnut trees of that variety and age suffer from Eastern Filbert Blight, and spraying and pruning is the only effective way to combat it. Pruning will hold it at bay, but they will eventually succumb."

Mayor Cathy Clark expressed surprise last summer someone else had stepped forward to replace Weathers.

"It did seem like it was done," Clark said.

Schurter explained at the time why he submitted his proposal.

"I thought it would be a shame that the crop would fall and rot on the ground," he said. "I figured it's not a bad idea to at least harvest it and farm it. Even if (the trees) are going to die, at least you can get something out of it. The city benefits with a percentage of the sales and, even more, it will look good. The orchards will be mowed and dead trees will be cut out."

# MEXICO,

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According to the Sept. 14, 2007 *Keizertimes*, Xalamihua-Espindola lived in the same apartment complex as the Cisneros family. The search stretched from Keizer to Alabama to Mexico.

Initially, police didn't know how old the suspect was and only had the note Deysi had left for her parents, telling them not to worry.

Police located relatives of Xalamihua-Espindola, who were able to provide the man's cell phone number. Two days after Deysi went missing, police caught an apparent break: a relative of the suspect called the KPD and said Xalamihua-Espindola had told him he would have Deysi home in two hours.

That didn't happen.

"We knew then that this was more than a weekend rendezvous," KPD deputy chief Jeff Kuhns said at the time.

Kuhns had Det. John Troncoso follow up with the relatives that night, at which point police learned the two were on a Greyhound bus scheduled to arrive in Birmingham, Ala., early the next morning. Troncoso coordinated with the FBI, who had agents waiting at the Alabama bus stop. But when the bus stopped, neither Xalamihua-Espindola or Deysi were anywhere to be found.

On April 11, Deysi called home and indicated she was at a pay phone in Colorado. Other calls were made home as well, with authorities determining by April 20 the calls had been made from Mexico. It took months

for U.S. and Mexican governments to put a plan together to get Deysi back home safely.

At the time, police took some heat for not issuing an Amber Alert.

"However inappropriate that relationship might be, it did not lead us to believe she was in danger of serious bodily harm or death," Kuhns said.

Producers from the TV show *America's Most Wanted* called and asked if the KPD wanted the case featured on their show. The offer was declined. More help came from the FBI.

"They have helped us so much," Troncoso, who retired earlier this year, said at the time. "They're the ones that facilitated the operations in Mexico."

Troncoso was the KPD employee who helped pick up Deysi in September 2007.

# KFD Candy Cane Days



Santa Claus gave out candy canes on Plymouth Drive on Saturday, Dec. 19. Top, a group of kids, including Jack Morinde, Kevin Trejo, Liz Chavez, Dyana Chavez, Briana Gandy, Jonah Gandy and Trey Gandy. Left: Belen and Clever Santiago meet Santa.

KEIZERTIMES/  
Lyndon Zaitz



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crossword

Home on the Range

1	2	3	4	5	6	7	8	9	10	11	12		
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CREATORS NEWS SERVICE
By Charles Preston

**ACROSS**

1 Stared in wonder

6 \_\_\_ now; at present

10 Winnebagos, e.g.

13 Yemeni's neighbor

14 Lest

15 Hull backbone

16 Pressing matters

19 Ponder

20 Utopia

21 It goes in a setting

22 Saltpeper

23 Building manager, for short

26 \_\_\_ right: turn

29 Tense situations

35 Wells or Lupino

36 Cafe offering

37 Milne marsupial

38 Apply force, in police jargon

43 Road-map feature

44 Napped leather

45 Railroad switch

48 Wife of Saturn

49 Subtitles

53 Interchange

57 Pending

59 Romances

60 *La Bamba* actor

Morales

61 Move furtively

62 Author Yutang

63 Saga

64 Softens

**DOWN**

1 Fossil-rich desert

2 Within

3 Congressional aide

4 Meshes, as gears

5 They try to lose

6 Pershing's troops: abbr.

7 Undergarment

8 Greek peak

9 Baseball-player's rep

Donald

10 Overhaul an apparatus

11 Limerick

12 More wily

15 Alaskan island

17 *Everybody Hurts* rock group

18 Latin dance

23 Polish partner

24 Pakistani tongue

25 Prickly \_\_\_ cactus

26 Journalist/novelist

Ben

27 Suffer from a migraine

28 Ark skipper

30 Calls balls and strikes

31 Repetition

32 Noted *Harper's* *Bazaar* illustrator

33 Crucifix

34 Sound unit

39 There are three in a third

40 Disentangle

41 Advocate

42 Freud's homeland

45 Glowler

46 Capital on the Red river

47 *The Jungle* author Sinclair

48 Sphere

50 Do as asked

51 Shuttle org.

52 Lasting impression, of a sort

54 Conjunctions

55 Intro for cast or market

56 \_\_\_ *Tu*: 1974 song

58 Family