

★ Roll Call Number

Agenda Item Number

5813

Date September 28, 2009

Petition from Daina Rudolph, 3612 61<sup>st</sup> Street and area residents in opposition to the rezoning of 6120 Douglas.

Moved by \_\_\_\_\_ to receive and file.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**NEIGHBORHOOD OPPOSITION TO COMMERCIAL/HIGHWAY REZONING  
OF 6120 DOUGLAS AND**

**CONSTRUCTION OF CASEY'S CONVENIENCE STORE AT SAID LOCATION.**

Majority of property owners in the immediate (250 foot) radius oppose the incursion of a convenience store in their back yard as evidenced by signed petition submitted forthwith. We have signatures from the owners of well in excess of 20% of the square footage of surrounding properties. We are begging the City Council to reject Casey's rezoning bid at 6120 Douglas Ave., not allowing the construction of a convenience store on the corner of 61<sup>st</sup>/Douglas.

1. The residents do not want a convenience store in their back yard.
2. Will cause increased crime and vagrancy in our back yard
3. High incidence of robberies at convenience stores, which would clearly overflow in the neighborhood endangering residents by bringing criminals to our back doors or breaking into our houses, stealing and vandalizing property.
4. Non-neighborhood resident transient clientele who have no stake in the quality of the neighborhood.
5. Increased volume of traffic in and out of parking lot and up and down 61<sup>st</sup>. Many small children and seniors live on the street creating a tragedy waiting to happen.
6. Increased traffic congestion in the intersection, along 61<sup>st</sup>, especially when residents are forced to compete with Casey's traffic to enter/exit their drives.
7. Traffic engineering nightmare. 61st is a small residential street, which we would like to keep that way. Exit to Douglas is already congested and difficult. Increased traffic will make even worse.
8. In the winter, the city dumps plowed snow from Douglas Ave. into the intersection of Douglas/61<sup>st</sup> and leaves it there, stranding motorists in the intersection and causing an accident hazard. I can clearly envision a bottleneck of stranded/abandoned cars in that intersection during snow events.
9. Due to the tight turns on and off of 61<sup>st</sup> and medians installed on Douglas, a hazardous traffic situation would be created as trucks and tankers attempting to navigate the corner. This would also be an increased environmental hazard in the event of accidents involving these trucks.
10. Locale not suitable for large volume of traffic, especially semis and fuel tankers. In and of itself would be an environmental hazard.

11. Proposed drive along the north side of the property in question runs directly next to the resident's window and private drive to the south and directly across from a very difficult apartment building exit, causing even further bottle neck for residents trying to exit their private driveways.
12. Small hill on 61<sup>st</sup> in the immediate area creates an additional blind spot for traffic going north and south on 61<sup>st</sup>.
13. Increased noise disturbs peace in the neighborhood.
14. Increased littering along 61<sup>st</sup> St.
15. Increased incidence of speeders and resulting overall speed of traffic on 61<sup>st</sup>.
16. Disturbs the single family demographic of the neighborhood by forcing single family residences out in favor of slumlord type properties because nobody wants to live next door to a convenience store.
17. Depresses property values of homes nearby
18. Facilitates strip mall creep and inevitable urban blight as single family residences are forced out.
19. Environmental hazard with semis and fuel tankers travelling just feet from resident windows.
20. Crumbling sewer system in the neighborhood: patched during WWII times using Organgeburger (cardboard/tar). Individual sewers are failing and could not withstand increased strain on the system caused by tampering with the sewer lines.
21. Digging in the area to install underground fuel tanks will disturb the main sewer line running under the said property and will increase the strain on the sewer system in the entire area causing more back ups and failures. This is a huge health hazard and unwarranted property expense for the residents.
22. Digging for fuel tanks will disturb the natural drainage channels and ground water table causing increased flooding concerns which already exist in the area.
23. We do not want buried fuel dispensaries in our back yard.
24. We are the owners of the properties around the proposed site and do not want this type of encroachment on our property. Casey's is trying to profit at our expense and pushing us off of our properties. There are already 3 convenience stores (one of them Casey's) already in the immediate area and we have no need for another one.



We do not want increased incidents such as this in our neighborhood

PRAYER, PAGE 2B

dale High School on Wednesday morning for the national "See You at the Pole" prayer day.

eral cases of abusive behavior by Timothy Newberry. Two alleged violations of protection orders brought by Hannah Newberry were dropped this summer because she would not return to Iowa to testify against her ex-husband.

Timothy Newberry could not be reached for comment.

Spurrer said he was appointed to the case only recently because Decatur's county attorney had a conflict. Spurrer also said that until Hannah Newberry appears in court, where she will be represented by an attorney, there is little he can do. A charge is already

ABUSE, PAGE 8B

# Motorcyclist struck, killed in hit-and-run

By DANIEL P. FINNEY and TOM BARTON  
daffinney@dmreg.com

A man who police said shot and injured two Des Moines police officers a decade ago was allegedly behind the wheel in a hit-and-run crash that killed an Adel father of two Wednesday. Santos Vidal Rodriguez, 26, and his brother, Orlando David

Rodriguez, 23, face second-degree robbery charges as well as several traffic-related charges in the crash that happened at about 5:20 p.m. in the 4300 block of Park Avenue.

Santos Rodriguez allegedly attempted to drive away without paying for \$27 in gas from the [redacted] at 4333 Park Ave., police said. When

he sped away from the gas station, he allegedly struck and killed Bruce James Mundy, 49, a 30-year military veteran, who was riding his motorcycle west on Park Avenue, police said.

Mundy, who was wearing a



helmet, died upon arrival at a local hospital. Bystanders performed CPR until medics arrived, police said.

A surveillance camera at Casey's caught the gas driver off, the driver of the SUV and the crash on tape, said Sgt. Lori Lavorato, Des Moines police

FATAL, PAGE 2B



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LEASE FOR

## Four decades of frustrations end for family

ayer that the group... the strength to make... with a lunchroom con... tion and that her fel... students would make... es against things that... i hurt them physically... entally. "This is a hum... thing to stand before... lassmates and pray to... she said.

# FATAL

FROM PAGE 1B

spokeswoman. In 1999, at age 16, Santos Rodriguez was involved in a shootout with police near Martin Luther King Jr. Parkway and Forest Avenue. Police had stopped the vehicle Rodriguez was in because it had allegedly been involved in a robbery earlier that day.

Des Moines Officer Jeffrey Gowen was shot in the chest near his badge. Sgt. Garey Bryan II was shot in the hand. Gowen still has bullet fragments lodged near his spine. Police returned fire during the 1999 clash and hit Rodriguez. The teenager lost a leg and had brain damage.

Rodriguez never stood trial for his role in the shooting because Polk County prosecutors believed his injuries made him incompetent to stand trial. At the time, Rodriguez's

form a separate nonprofit corporation to buy "key assets" of Xenia's water district. Water Works would finance the purchase with money it could expect to make from Xenia's customers. The draft proposes to increase water rates on most

# WATER

FROM PAGE 1B

na, which was put on hold in Des Moines. Water Works indicated interest in buying the water district. I think the whole deal is good for central Iowa," said Dave Carlson, vice



ANDREA MELENDEZ/THE REGISTER

## A Des Moines police officer works the scene of a fatal accident on Park Avenue in Des Moines on Wednesday. Police said a sport utility vehicle struck and killed motorcyclist Bruce James Mundy.

attorney, Peter Berger, said a major improvement in the teenager's condition was unlikely. However, police said Rodriguez was lucid and conversant when interviewed by police after Wednesday's fatal crash. "He spoke clearly and was driving a car today," Lavorato said.

A Polk County grand jury

reasonable.

"But my guess is, the people holding the bonds may have a different opinion," he said.

Beavers said the proposal was designed to shield Des Moines' ratepayers from any of Xenia's liability. Carlson, the Water Works board's vice chairman, said any deal "has got to stand

Community Council, which has been completed for the 1,834-acre park located on the western shore of Saylorville Lake.

The draft plan for Jester Park is scheduled to be reviewed by the Polk County Conservation Board in October, and a final plan could be adopted in November.

## 'Meet and greet' for candidate Barcus is today

A "family fun meet and greet" for at-large Des Moines City Council candidate Leisha Barcus will be from 5:15 to 6:45 p.m. today at the south shelter of Water Works Park. The event will be hosted by Mike Bandstra, Sonni Vierling and Amy and Sam Carrell.

Attendees are asked to bring a main dish to grill. After the gathering, attendees are invited to the final Jasper Winery summer concert.

## WAUKEE

### 16-year-olds are charged in '08 vandalism

Waukees police have charged two juveniles with vandalism at Waukees Cemetery that outraged residents and officers more than a year ago.

The cemetery sustained more than \$7,000 damage when about 40 headstones were tipped over and veterans' markers were removed on July 18, 2008.

Last week, police charged Waukees 16-year-olds Alexander Bent and Brett Schneider with second-degree criminal mischief.

## JOHNSTON

### Family reports attempted abduction of boy

Johnston police said they will increase their before- and after-school patrols around Johnston schools after an attempted child abduction was reported Monday near Horizon Elementary School, 5905 N.W. 100th St.

Lt. Lynn Aswegan said the report filed by the family of an 8-year-old Horizon student said a man driving a dark blue Chevrolet Tahoe with red pinstripping tried to entice the boy into the vehicle at about 3:40 p.m. along Windsor Parkway.

The man, described as being about 20 years old with dark hair, reportedly offered the child some candy and said he would drive the boy home. The child ran away.

Aswegan said he knows of at least eight similar reports from the area and elsewhere in the past month, but none of the reports seem to agree on the make of the vehicle or the description of the man.

Johnston Superintendent Clay Guthmiller said district staff is vigilant each day when it comes to avoiding incidents like the one reported Monday.