

Moved by Kennedy, seconded by Henry, to approve a fifty percent (50%) tax abatement for the expansion of the Reuter Organ Company estimated to be \$3,000,000.00. Motion carried unanimously. (19)

Mayor Hodges called a public hearing on the proposed benefit districts for improvement of 7th Street from Comet Lane to Monterey Way and Comet Lane south of West 6th Street.

George Williams, Public Works Director, presented schematic drawings of the benefit districts and tracts included in each district. The method of assessment was based upon the gross area in the benefit district and assumptions he made about the areas of each tract that was benefited. The Morgan property was included in the benefit district for Comet Lane even though they did not have direct access to Comet Lane at the present time.

Dunfield asked if the Preliminary Development Plan showed access to the Morgan property from Comet Lane.

Linda Finger, Planning Director, said the Preliminary Development Plan did show access to the Morgan property from Comet Lane.

Rundle asked if staff would require access to the Morgan property from Comet Lane because of the development.

Finger said assess would be based upon the size and type of the development. At this time, access may not be required off of Comet Lane.

Steve Snavelly, 100 Lawrence Ave., speaking on behalf of the Daugherty's, opposed the formation of the benefit district for West 7th Street. Any cost of acquiring land from the Daugherty's would be assessed back specifically to that property. Because the property was long and narrow, the uses for the property would be limited and the cost of the benefits would outweigh any advantages or benefit from the street. The marketability of the property would be severely damaged. It would be an extremely

large assessment for a relatively small lot. Snavely said the Daugherty's did sign the agreement for the PCD and its changes without legal council.

Ernest Haley, 1045 East 945 Road, asked the method of assessment for the benefit district.

Williams said the assessment was based upon the total gross area of the benefit district and his estimated percentages of benefit.

Phil Strubble, Landplan Engineering, said the City Commission required as a condition on a previous portion of this PCD, the construction of 7th Street and Comet Lane. He supported the formation of the benefit districts as presented and encouraged the City Commission to proceed with the benefit district. Strubble said all the property in the area would have a benefit from these improvements.

Dunfield asked if there were any specific development plans for the Morgan property.

Strubble said at the present time there were none and the proposed concept of apartments was developed through a brain storming session conducted in 1988 or 1989. It was only a conceptual.

Beverly Morgan, 800 Monterey Way, said they should not be in the benefit district for Comet Lane because they do not have access to that street. They have access from Monterey Way and have paid special assessments for that improvement. They do not want to access Comet Lane. They were willing to sign anything saying they would not take access from Comet Lane.

Moved by Kennedy, seconded by Henry, to close the public hearing.
Motion carried unanimously.

Dunfield asked if there was any legal way to recoup funds from the Morgan property if they were excluded from the benefit district and in the future a connection was made.

David Corliss, Legal Services Director, said the City could not go back retroactively and increase the size of the benefit district or charge a connection fee as they do with water or sewer. Corliss said the City Commission could put property that did not directly connect with the improvements in the benefit district. The City would need to show the benefit of that particular tract and why they excluded others from the district.

Moved by Hodges, seconded by Henry, to delete the Morgan property from the Comet Lane benefit district. Motion carried unanimously. (20)

The City Commission concurred to direct staff to not plan any access to the Morgan property from Comet Lane.

Dunfield asked about the acquisition of right-of-way being assigned back to a specific parcel and not the entire benefit district.

Mike Wildgen, City Manager, said that was the typical procedure. It was allowed by State Statute and it was assumed those people dedicating or giving right-of-way should not be penalized monetarily by their donation or dedication.

Moved by Hodges, seconded by Dunfield, to direct staff to prepare the necessary Resolutions on the formation of a benefit district for the improvement of Comet Lane, south of West 6th Street as presented by staff with the exclusion of the Morgan property from the benefit district. Motion carried unanimously.

Moved by Hodges, seconded by Dunfield, to direct staff to prepare the necessary Resolutions for the formation of a benefit district for the improvement of 7th Street from Comet Lane to Monterey Way. Motion carried unanimously.

Margene Swarts, Community Development Manager, presented the staff report on the substantial amendment to the Investment Summary of the City's Consolidated Plan on the Community Drop-In Center Office Spacer Renovation located at 214 West 10th Street in the amount of \$35,000.00. The Community Drop-In Center submitted a