



## “Big, Ugly Red Brick Buildings”: The Fight to Save Jobbers Canyon

(Article begins on page 3 below.)

This article is copyrighted by History Nebraska (formerly the Nebraska State Historical Society). You may download it for your personal use.

For permission to re-use materials, or for photo ordering information, see:

<https://history.nebraska.gov/publications/re-use-nshs-materials>

Learn more about *Nebraska History* (and search articles) here:

<https://history.nebraska.gov/publications/nebraska-history-magazine>

History Nebraska members receive four issues of *Nebraska History* annually:

<https://history.nebraska.gov/get-involved/membership>

Full Citation: Daniel D Spegel, “ ‘Big, Ugly Red Brick Buildings’: The Fight to Save Jobbers Canyon,” *Nebraska History* 93 (2012): 54-83

Article Summary: Omaha city leaders touted the Jobbers Canyon warehouse district as a key to downtown redevelopment. But that was before a major employer decided it wanted the land. The ensuing struggle pitted the leverage of a Fortune 500 company against a vision of economic development through historic preservation. The result was the largest-ever demolition of a district listed on the National Register of Historic Places.

Editor’s Note: Most of the photographs that illustrate this article were shot in the mid-1980s by Lynn Meyer, City of Omaha Planning Department.

### Cataloging Information:

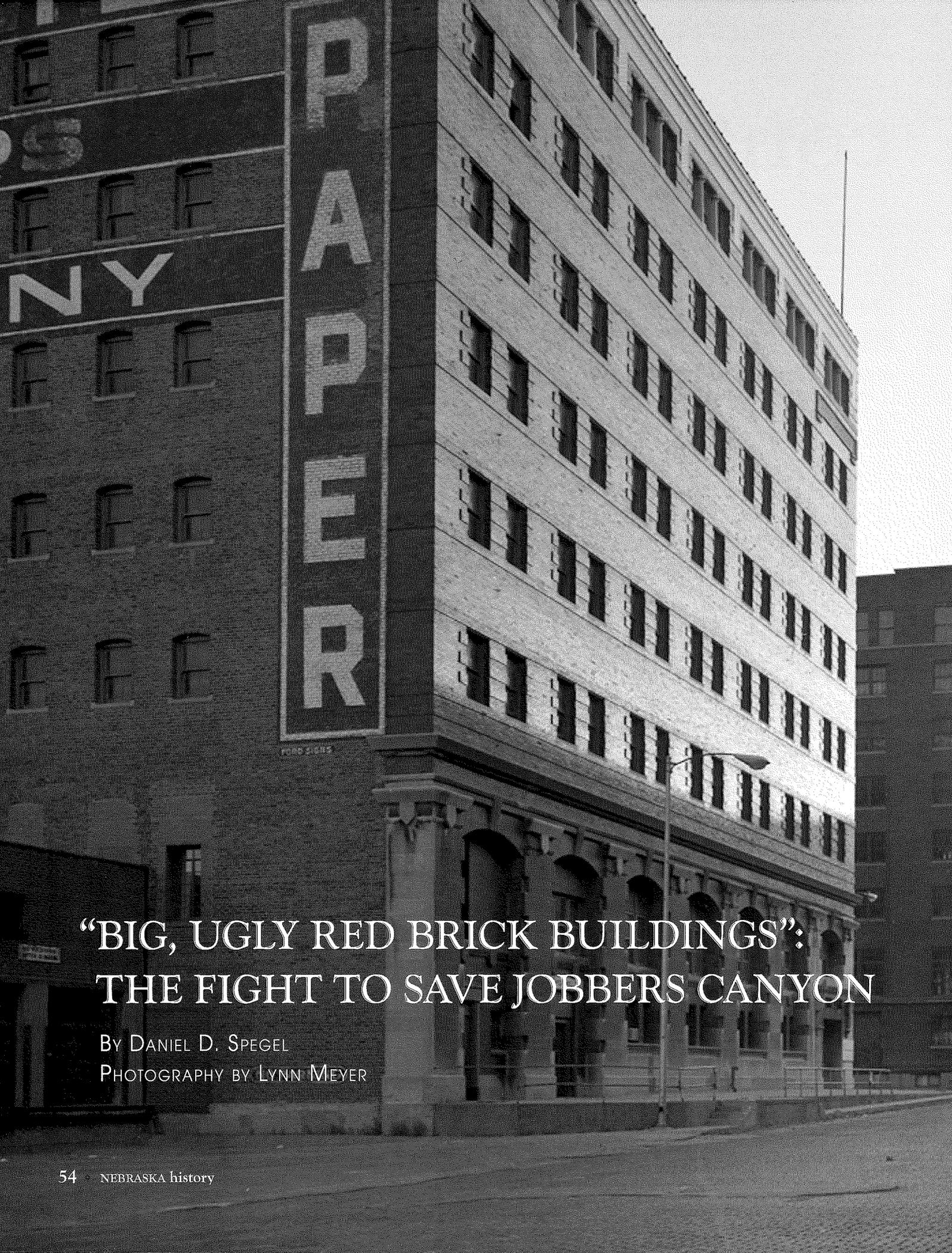
Names: Sam Mercer, Lynn Meyer, James Hanson, Charles M (Mike) Harper, Marty Shukert, Bernie Simon, Harold Andersen, Mark Mercer, George Haecker, Robert Fink, Michael Wiese, Bruce Lauritzen, Leonard Sommer, Mark Himes, Warren Urbom, Richard Kopf

Nebraska Place Names: Omaha

Keywords: Jobbers Canyon; National Register of Historic Places; Omaha Jobbers and Manufacturers Association; 1966 Central Omaha Plan; Omaha City Planning Department; Central Business District plan (1973); Central Park Mall; Marina City; National Historic Preservation Act of 1966 (NHPA); National Trust for Historic Preservation; Nebraska State Historic Preservation Board; Advisory Council on Historic Preservation (ACHP); Landmarks, Inc; Landmarks Heritage Preservation Commission (LHPC); reinforced concrete; National Park Service; ConAgra Foods; Omaha Development Foundation; Loneragan Lake; Greater Omaha Chamber of Commerce; *Riverfront Redevelopment Plan*; People for Responsible Omaha Urban Development (PROUD)

Photographs / Images: looking west along the 800 block of Harney Street in 1986; looking west on the 800 block between Harney and Howard; inside the John Deere Plow Company Building; Jobbers Canyon from the northeast, 1920s; Rector and Wilhelmy Company Building; American Radiator Company Building; Richardson Building AKA Lindsay Bothers/New Idea Building; Nash Block; Kingman Implement Company Building AKA US Tire Company Building; Crane Company Building; Fairbanks, Morse and Company Building; John Deere Plow Company Building; John Day Company Building; Brunswick-Balke-Collender Building; US Supply Building;

Dempster Building; Lee-Coit-Andreesen Hardware Company Building; Harding Cream Company building; J K Lee Warehouse Building; Carpenter Paper Company Building; Omaha Cold Storage Company Building; Creighton Block; unnamed building owned by D H Foods Company; J I Case Plow Works Building; Trimble Brothers Building; looking east through the 900 block alley between Farnham and Harney; inside the Dempster Building; Fairbanks, Morse and Company Building mostly destroyed; demolition of the Trimble Brothers Building; Heartland of America Park and ConAgra Headquarters; looking north along the 400 block of South Ninth Street between Harney and Howard; graffiti on the ceiling of the Lee-Coit-Andreesen Hardware Company Building



# “BIG, UGLY RED BRICK BUILDINGS”: THE FIGHT TO SAVE JOBBERS CANYON

BY DANIEL D. SPEGEL

PHOTOGRAPHY BY LYNN MEYER

**“T**he use of warehouses will offend some citizens. They will ask how a warehouse can be beautiful, for only state capitols or things that had an aesthetic intent can be beautiful. These are the same people who love plastic injection molded Mediterranean cabinets for their kitchen.” World-renowned architect and academic George Nelson uttered these words during a 1976 Omaha speech regarding urban renewal and the city’s 1973 riverfront redevelopment proposal.<sup>1</sup> In an almost prophetic manner he also spoke to a debate that would occur more than ten years later, which resulted in the largest-ever demolition of a district listed on the National Register of Historic Places. Known as “Jobbers Canyon,” this great collection of warehouses near the Omaha riverfront stood in the way of a massive redevelopment project that would have kept a large corporation from relocating to another area. The corporation’s CEO did not care for the warehouses and was unwilling to include them in the project. The city had long sought to rejuvenate the downtown district, which had been in decline for more than twenty years, and its leaders felt that the loss of a Fortune 500 Company would lead to its demise. Some of Omaha’s most influential people impressed upon city officials that nothing should prevent the immense project from going forward, even if that meant reducing the historic district to rubble.

The mayor and his staff ultimately agreed. News of the danger that faced Jobbers Canyon reached across the country, and a group of preservationists rallied in an attempt to save it, but a precarious political environment left this group disjointed. Their unsuccessful efforts reveal the vulnerability of historic structures when faced with high-dollar developments and economic uncertainty.

Looking west along the 800 block of Harney Street in 1986. The Carpenter Paper Company Building (#17) is on the left; the pickup is parked beside the H. J. Lee Warehouse (#15). Photo numbers correspond to map on p. 61 and to building photos and descriptions on pp. 62-67.



Unless otherwise noted, photos in this article were shot in the mid-1980s by Lynn Meyer, City of Omaha Planning Department.

**Jobbers Canyon's historical** significance is rooted in the settlement of the West, and to many mid-nineteenth century pioneers the frontier began on the Missouri River's western shore. In 1854 the Kansas-Nebraska Act opened the door, and many people crossed the river at Council Bluffs, Iowa, to settle in the new town of Omaha. Pioneers chose this location, in part, because it offered many opportunities for trading and transportation ventures.

Omaha grew outward from its birthplace on the banks of the Missouri River, but the center of commerce did not stray too far inland. Businesses such as transportation, manufacturing, and trading companies strategically anchored themselves near the natural shipping network afforded by the river, an area that became even more desirable after Omaha was selected as the eastern terminus of a new transcontinental railroad in 1863. Around 1880,

with Omaha cemented as a major transportation hub to the western United States, a thriving wholesale jobbing industry established itself in the city. "Jobbers," who purchased commodities directly from manufacturers and sold them to retail outlets, weathered the volatile economic conditions of the late nineteenth and early twentieth centuries, and helped propel Omaha's commercial growth.

Utilizing the moniker "Omaha the Market Town," the Omaha Jobbers and Manufacturers Association advertised heavily during the spring and fall buying seasons. One such advertisement described Omaha and its business climate as "the largest jobbing and manufacturing market in this territory. It is so located that the transportation problem and the freight problem are simplified for every merchant in the central west. The stocks carried here are as varied as any in the country and the methods of doing business are the most pleasant and agreeable." Another declared, "Omaha jobbers have conformed to the requirements of retail trade in every way and not only do they guarantee their goods, but their prices and delivery—all are adjusted to meet the needs of merchants. Omaha is now recognized by progressive merchants of the central west as the most inviting and in every way the most satisfactory market in which to trade."<sup>2</sup> Around the turn of the century, some of the city's largest wholesale companies built impressive warehouses, with a concentration just west of the river at a place of higher elevation less prone to seasonal flooding. Because the massive structures created an urban "canyon" along a three-block stretch of Ninth Street, the district was eventually known as "Jobbers Canyon."

Conditions that framed the demise of Jobbers Canyon developed slowly for more than twenty years. Downtown Omaha remained the center of commerce well into the twentieth century, but its dominance waned as the city grew outwards. The 1960s and 1970s saw the construction of a highway system, industrial and office parks, and suburban shopping centers such as Crossroads Mall and Westroads Mall, which helped draw new housing developments farther from downtown. Omaha decentralized as its population density thinned with the far-flung developments—an experience it shared with many other U.S. cities. By the end



Looking west on the 800 Block between Harney and Howard. The tracks run between the Creighton Block (#19) on the left and the Carpenter Paper Company Building (#17) on the right. The John Deere Plow Company Building (#9) is visible through the alley.

of the 1970s the downtown district lost its place as Omaha's regional retail and office center. City leaders recognized the decline; as former Omaha City Planning Director Marty Shukert put it, they began a decades-long "search for a new downtown vision, a far-ranging and ambitious effort to re-invent a city center that was growing more distant from the geographic center of the changing city."<sup>3</sup>

One of the first concerted efforts to bring the central business district back to prominence rested in the 1966 Central Omaha Plan. The plan included a variety of development projects—including the construction of the Woodmen Tower, the city's tallest building for many years—but also led to the demolition of the historic U.S. Post Office building. Preservation of downtown historic structures was not yet a priority. It took visionaries such as Sam Mercer to demonstrate that the reuse of old buildings could contribute to a downtown renaissance. Beginning in the mid-1960s, Mercer took a diminishing wholesaling district and helped turn it into what became known as the Old Market. The district holds an eclectic collection of specialty shops, restaurants, and bars, and for many years was Nebraska's largest tourist attraction. Some developers and preservationists viewed the Old Market as a shining example of how to revitalize an aging urban core—an example of what Jobbers Canyon could be.<sup>4</sup>

The Omaha City Planning Department worked with several other consulting firms and agencies in preparing the Central Business District plan (CBD). Released in 1973, this comprehensive study provided a variety of plan elements intended to make downtown Omaha a more desirable place to "live, work and play."<sup>5</sup> Two of these elements would later play a role in the ultimate fate of Jobbers Canyon:

- Central Park Mall. The report describes it as "a diversified urban experience" that would connect Omaha's central business district with the Missouri River. Completed in phases, the purchase of land for the final component would be the focal point of a federal lawsuit filed to save Jobbers Canyon.<sup>6</sup>
- Marina City. This grandiose vision for the riverfront was a massive mixed-use development adjacent to a new riverfront lagoon. The plan captured the imagination of Omaha's government and business leaders.<sup>7</sup>

In addition, the Omaha CBD clearly showed that the preservation of historic buildings was desirable for the city and could be accomplished in a cost-effective manner. City Planning Director Alden Aust

and CBD Task Force Co-Chair Ted Crouchley stated in their transmittal letter that the report "stresses the residential potential of the Riverfront and some of the monumental old buildings in the area. Most importantly the report spells out economically feasible methods for implementing the plan."<sup>8</sup> Addressing the redevelopment of Jobbers Canyon, the report states, "Since most of these buildings are in substantially good structural condition and of typical bay sizes that allow for renovation, it is proposed that many of these fine structures be reclaimed and reused as Central City housing . . . Thus, the unique warehouse area with its multi-story brick and steel buildings, its central location and changing views of the River and city skyline will provide an opportunity to fulfill this desire and need."<sup>9</sup>

Clearing vast sections of downtowns and older neighborhoods, construction of the Interstate highway system, and urban renewal efforts transformed the nation's large cities in the 1960s. A wave of empathy for historic structures swept the United States in response, leading to the formation of new preservation groups and culminating in the passage of the National Historic Preservation Act of 1966 (NHPA). In an effort to save the nation's architectural heritage for future generations, this new federal law created State Historic Preservation Offices, the National Register of Historic Places, and the Advisory Council on Historic Preservation (ACHP), among other important measures. Nebraska accepted the provisions of the NHPA and designated the Nebraska State Historical Society to represent the duties and functions of the State Historic Preservation Office in 1967. In Omaha, a group of concerned citizens formed Landmarks Inc. in 1965, the oldest nonprofit preservation organization in Nebraska (also referred to as "Landmarks"). In 1977 the City of Omaha created the Landmarks Heritage Preservation Commission (LHPC), a seven-member body designed to advise the city council and, in part, "to designate, preserve, protect, enhance and perpetuate those structures and districts which reflect significant elements of the city's heritage."<sup>10</sup> The city could now designate individual structures or districts as historic landmarks, which would require owners to seek approval for building changes. Growing preservation awareness, along with the enticement of increased recognition and tax incentives, prompted some building owners in Jobbers Canyon to seek a historic designation.

The city had listed the Fairbanks Morse building as a landmark in 1981, and pursued Jobbers Canyon as a locally designated landmark district

---

Conditions  
that framed  
the demise of  
Jobbers Canyon  
developed slowly  
for more than  
twenty years.

---

---

**Jobbers Canyon was a superb example of the commercial architectural shift that took place at the turn of the century when developers transitioned from classical styles to modernism.**

---

in 1983. However, the restrictive characteristics of a landmark designation prompted property owners to oppose a local historic district, thereby scuttling the proposal.<sup>11</sup> A push to designate Jobbers Canyon as a district on the National Register of Historic Places took place in 1986. Initiated by the city, which had already seen the success of the Old Market district, the proposal recognized that preservation of the district would be a part of downtown revitalization efforts. With the backing of the LHPC, Lynn Meyer, preservation administrator for the Omaha City Planning Department, skillfully prepared a National Register of Historic Places Nomination Form.

Jobbers Canyon possessed qualities that made it a valuable cultural asset to the greater community. It was a superb example of the commercial architectural shift that took place at the turn of the century when developers transitioned from classical styles to modernism, as the district contrasted the two side by side. This dense collection of architectural styles was thought to be the greatest of its kind in America. Meyer described Jobbers Canyon as being historically significant for its contribution to the commercial development of Omaha, environmentally significant as a unique urban streetscape, and architecturally significant for its “early twentieth century industrial design in the areas of structural technology, aesthetic appropriateness and fire safety, and for association with many of the city’s most prominent architects.”<sup>12</sup> University of Michigan professor Leonard Eaton believes one of the district’s warehouses, the John Deere building, was an excellent example of the shift in warehouse construction and describes its architecture as a “daring innovation.” By utilizing a reinforced concrete design instead of the reliable mill construction, only one primary building material was needed, thereby reducing costs and construction time. Eaton said that “reinforced concrete fascinated industrial architects and engineers,” but the process took time to perfect, often leading to spectacular collapses at other sites.<sup>13</sup>

The LHPC unanimously approved the nomination of Jobbers Canyon to the National Register on September 11, 1986.<sup>14</sup> The district was subsequently submitted to the Nebraska State Historical Society, which was highly supportive of the nomination. The rehabilitation of several buildings in the district was already underway, taking advantage of a federal tax incentive for historic buildings. The district was scheduled before the State Historic Preservation Board, which advises the State Historic Preservation Officer. The board commented

on the nomination, a step needed to proceed to the federal level. Notification letters were sent to property owners and local government officials by the State Historic Preservation Officer and Director of the Nebraska State Historical Society, James Hanson, regarding its upcoming review of the proposed Jobbers Canyon Historic District. The letter stated that a listing on the National Register would offer positive recognition, allow participation in certain tax incentives, and assist in preserving the nation’s heritage. It would not impose limitations on buildings or seek ownership by the federal government.<sup>15</sup> Omaha Mayor Michael Boyle replied to the letter, offering the city’s support for the district’s designation: “The development of the Jobbers Canyon is an important element of the city’s economic history. In addition, its architectural importance as an ensemble of significant buildings makes the district an important part of Omaha’s urban environment. National Register listing will call attention to the district and will encourage sympathetic reinvestment in its individual buildings.”<sup>16</sup> It is apparent that Omaha leaders recognized the importance of Jobbers Canyon as a way to reinvigorate investment in the area.

On October 9, the Nebraska State Historic Preservation Board reviewed the nomination of Jobbers Canyon to the National Register of Historic Places. Lynn Meyer presented its significant attributes to the board and discussion ensued. James Hanson said that a notarized letter of opposition was received from D. H. Foods Company. A subsidiary of Proctor and Gamble, the company had expressed concern that the designation would hinder its ability to utilize the property and adversely affect business operations in the Omaha area. The letter argued that the property ultimately did not contribute to the district’s designation, and asked that it not be included in the nomination.<sup>17</sup> After much deliberation it was determined that the inclusion of this property would not harm D. H. Foods, but its exclusion would scuttle the nomination of the district. Hanson, Meyer, and David Murphy, who at the time was Deputy State Historic Preservation Officer, argued that if the district was not designated, “many fine projects” and “millions of dollars” would be jeopardized. In light of this, the board unanimously approved the nomination of Jobbers Canyon, and subsequently forwarded it to the National Park Service, which is the custodian of the National Register of Historic Places, for its approval.<sup>18</sup> The National Park Service officially added Jobbers Canyon Historic District to the National Register of Historic Places on December 4, 1986.

**As city and state leaders sought** to ensure the preservation and redevelopment of Jobbers Canyon, events that would put it in line with a wrecking ball had already begun. Under the leadership of CEO Charles M. (Mike) Harper, Omaha-based ConAgra Foods had grown into one of the largest food product companies in the country, and ranked fifty-ninth in *Fortune* magazine's list of the country's 500 largest industrial corporations.<sup>19</sup> The company's economic strength made it a valuable asset to Nebraska, and specifically to downtown Omaha. By 1986, ConAgra had outgrown its downtown headquarters and began searching for a new location. However, a downtown location seemed unlikely because the construction of a high-rise office tower would not be suitable for Harper's corporate vision. He believed in maintaining subsidiaries that operated like independent identifiable companies, so a campus-style setting where these units could be housed in different buildings seemed more fitting.

As news of ConAgra's plans spread, other states began to court the company for its new headquarters. This put Harper in an advantageous position to gain concessions from both Omaha and the state of Nebraska. Omaha had lost more than a thousand jobs after the energy giant Houston Natural

Gas merged with locally based InterNorth in 1985, and moved its headquarters to Texas in 1986. City and state leaders were panic stricken at the thought of losing yet another major employer, and would do everything possible to keep ConAgra from moving. This fear impacted the fate of Jobbers Canyon in a way that cannot be overstated. Armed with leverage, Harper lobbied state representatives in the spring of 1987 to make Nebraska "a good place to grow a business," namely through corporate tax incentives. State legislators passed LB 775 in May 1987, which gave tax credits to a company if it made capital investment and created jobs.<sup>20</sup>

ConAgra was now content to stay in Nebraska, but where? Company representatives made a confidential visit to Marty Shukert in April 1987, seeking appropriate building sites around the city. Shukert prepared a report that outlined the advantages and disadvantages of several locations, including infrastructure and access issues. Shukert's report and later suggestions included: I-680 and 72<sup>nd</sup> Street; 36<sup>th</sup> and Cornhusker Road; the riverfront (referred to as Central Park East); Lonergan Lake; Aksarben (located just west of the North Omaha Airport); 132<sup>nd</sup> and West Dodge Road (current location of the First National Business Park); and South 72<sup>nd</sup> Street.<sup>21</sup>

**Inside the John Deere Plow Company Building at 402 South Ninth Street (#9). Built in 1908, this massive, fireproof building was notable for an innovative structural system that featured reinforced concrete flat-slab floors and concrete mushroom columns.**



---

Shukert would later say, "I contemplated the future of downtown without ConAgra, and it was bleak."

---

The list of alternate sites was eventually made known to others. Led by prominent business leaders Bruce Lauritzen, Harold Andersen, and Michael Yanney, the Greater Omaha Chamber of Commerce impressed on Mayor Bernie Simon that ConAgra needed to build at Central Park East. The vision of a "Marina City" put forth by the 1973 CBD had not been forgotten, and many community leaders saw ConAgra as the only way to get it done. While the original plan for Marina City was not possible, a coveted lakeside development near the river certainly was. They also wanted to finish connecting the Central Park Mall, which dead-ended at Eighth Street, down to the river. Eager for a downtown renaissance, city leaders concurred.<sup>22</sup> Shukert would later say, "I contemplated the future of downtown without ConAgra, and it was bleak."<sup>23</sup> Mayor Simon elaborated on the city's reasoning:

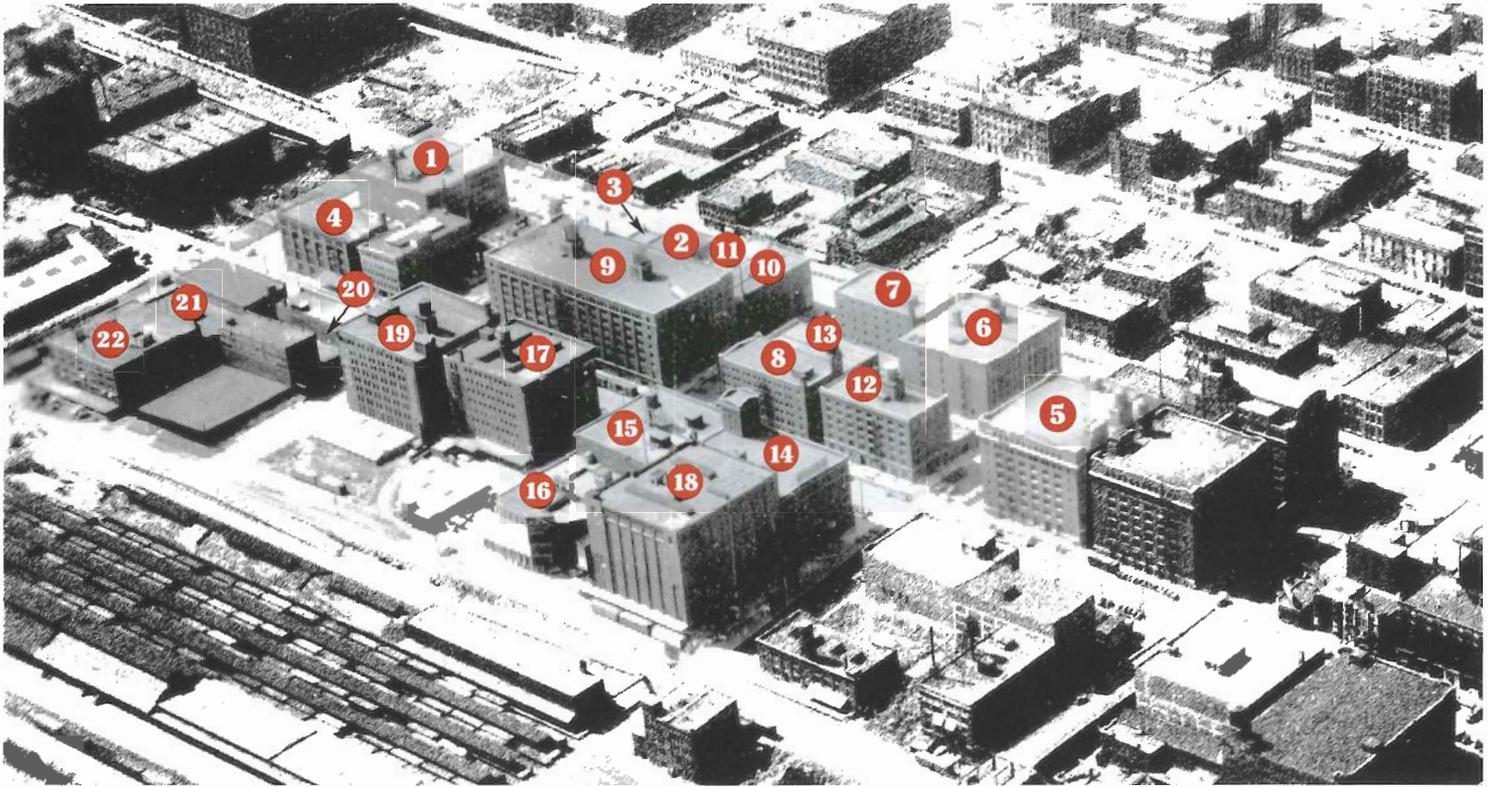
I believe that a downtown ConAgra location is very important to downtown's continued revitalization. It is essential that we retain a substantial employment base in the Central Business District. . . . We have experienced a steady erosion of downtown employees in the last ten years. It is critical for us to maintain a strong housing and retail market here and to create the possibility of self-sustaining downtown development. Such momentum is particularly important to support other projects, including adaptive reuse of historic buildings. A riverfront project would also complete the Central Park Mall to the Missouri River and provide an extremely important amenity to the public.<sup>24</sup>

Focused on keeping ConAgra downtown, city leaders now had to convince Mike Harper that Central Park East was the best location for his headquarters. ConAgra initially found the riverfront intriguing, but insisted that the site's western boundary be expanded from Eighth Street, to Tenth Street. This would allow for a twenty to twenty-five acre development tract for a low-density corporate campus. However, this created a problem because the expanded boundary included the newly designated National Historic District, Jobbers Canyon, which the city still wanted to revitalize according to the 1973 CBD. In May the city hired Alley Poyner, an architectural firm that specialized in adaptive reuse of historic buildings, to put together a scheme that merged much of Jobbers Canyon into ConAgra's vision of a multi-building campus. The firm prepared a rendering and a plan. Shukert put the drawings together in a package and gave it to

ConAgra, and their initial response was that they would consider this option! The city worked with ConAgra's design firm, Opus Corporation, of Minneapolis, and prepared a plan with greater detail for Mike Harper to review. It called for a corporate campus comprised of a high-rise tower and several low-rise structures near a lake. The plan also preserved most of the Jobbers Canyon Historic District, except for two: the Duncan Hines plant and the Omaha Cold Storage Building. The plan was delivered to Harper, and the design team, community business leaders, and even ConAgra's attorneys all believed he would approve it. This working group met with Harper on June 12, 1987, with high expectations. But, to everyone's surprise, Harper rejected the proposal. He said that he could not build the new corporate campus next to "some big, ugly red brick buildings." This famous quote would become a rallying cry for preservationists in the following months.<sup>25</sup> From ConAgra's perspective this was a once in a lifetime investment, and they wanted an environment they were comfortable with. The company felt that Jobbers Canyon would have dominated the riverfront, compressed the campus too much, and simply was incompatible with their corporate philosophy that subsidiaries should be housed in separate but similar buildings.<sup>26</sup>

In response to this shocking news Shukert expressed regret and told Harper that the city would do everything possible to make Lonergan Lake a success, but there was no way they could acquire all the necessary property or demolish the historic district. It looked like downtown Omaha would lose ConAgra to another part of the city, until Harold Andersen and other business leaders met with Mayor Simon and Shukert on June 18. At this meeting they told the mayor that neither the demolition of Jobbers Canyon, nor finances, should prevent ConAgra from building at Central Park East.<sup>27</sup> Other prominent citizens chimed in too, such as P. J. Morgan, who sent letters to Omaha business leaders urging them to "pool our resources to assist this development of the riverfront area."<sup>28</sup> Simon agreed, and a joint task force from the city and the Omaha Development Foundation soon coalesced. The group would work tirelessly toward a deal that would keep this Fortune 500 Company downtown, and consequently see Jobbers Canyon torn to the ground.

**Jobbers Canyon had been on the National Register of Historic Places for just six months when Harper declared the buildings to**



be incompatible with ConAgra's expansion plans. Ironically, the listing in the National Register had already cleared the way for a \$1.1 million rehabilitation of the New Idea farm equipment warehouse, which qualified for a historic preservation tax credit. By late 1987, an \$11-12 million rehabilitation of the Nash Block was underway.<sup>29</sup>

The possible demolition of the historic district made national headlines, and rallied a group of supporters from around the country to save it. Initial efforts focused on convincing all parties involved that Jobbers Canyon was worth saving and generating public support, but legal action loomed as a viable option. However, nobody suggested that ConAgra should not locate its new headquarters in Omaha. All involved recognized the value of this large corporation to the city and pressed for coexistence. The major advocates for preserving Jobbers Canyon were Landmarks Inc., LHPC, the Nebraska State Historical Society, and the National Trust for Historic Preservation, among other individuals and organizations. Ironically, Harold Andersen was on the board of the Nebraska State Historical Society at the time.<sup>30</sup> Even though they themselves were well connected professionals in many cases, preservation advocates found themselves in a modern version of David vs. Goliath. Motivated by an unbribed passion for progress and propelled by a wave of community concern for the future of downtown Omaha, the supporters of Central Park East were

entrenched within the city's power network and a formidable foe. It would be difficult to convince Mike Harper and Mayor Simon that Jobbers Canyon was worth saving in these conditions.

The majority of Omaha residents based their opinion of the debate on media reports, but some people questioned the objectivity of the *Omaha World-Herald*, the city's only major daily newspaper. While one must take into consideration municipal and journalistic competition, a *Lincoln Journal Star* editorialist said the *World-Herald's* pattern of coverage was "interesting," while the *Nebraska City News-Press* claimed editorially it paid "scant attention" to preservationist views and praised ConAgra in "several editorials disguised as 'stories' . . . It's a shame that this slash and burn corporate mentality . . . is endorsed by the state's largest newspaper."<sup>31</sup> The *World-Herald* reported developments frequently—including preservationist viewpoints—but an examination of its coverage reveals a profusion of positive press for Central Park East. Headlines predicting grandiose outcomes such as "Mayor Simon Predicts Boom in Development," "ConAgra Move Could Reverse Suburban Trend" and "Riverfront Construction May Pass \$175 Million" were shown prominently, while preservationists were portrayed as obstructionists in headlines like "ConAgra Project Foes Primed for Hearing."<sup>32</sup> Harold Andersen's role as publisher of the *World-Herald* fueled these concerns.

Editorials solidified the pessimistic view that

**Jobbers Canyon from the northeast, 1920s. The digitally highlighted area marks the boundaries of the future National Historic District, bounded by (clockwise from foreground) Eighth, Jackson, Tenth, and Farnam streets (running between buildings #5 and #6). The City Market, known today as the Old Market, is just west of building #3. Building numbers match those of the photos on pp. 62-67. NSHS RG3882-32-B-326**

# The Buildings of Jobbers Canyon

All but one of the buildings shown in the following pages were demolished in 1988-89. Comprised of twenty-two contributing warehouses and four noncontributing buildings, the Jobbers Canyon Historic District covered an area of 6.25 blocks, bounded by Eighth, Tenth, Jackson, and Farnam streets. These are the contributing structures, along with their original construction and applicable major remodel dates. The numbers are keyed to the aerial photo on page 61.<sup>33</sup>



1. Rector and Wilhelmy Company Building (1889; 1905), 523 South Tenth Street.



- 2. (Left) American Radiator Company Building (1905), 417 South Tenth Street
- 3. (Right) Unnamed, (1911), 423 South Tenth Street.



4. Richardson Building: AKA Lindsay Brothers/New Idea Building (1891), 902 Jackson Street.



5. Nash Block (1905-7), 902 Farnam Street. This building is also individually listed on the National Register of Historic Places, and is the only remaining building of Jobbers Canyon. Known today as the Greenhouse, it is divided into residential apartments.



6. Kingman Implement Company Building; AKA U.S. Tire Company Building (1900; 1905; 1917), 923 Farnam Street.



7. Crane Company Building (1905), 323 South Tenth Street. Nogg Brothers Paper Company bought the building in 1966.



8. Fairbanks, Morse and Company Building (1907), 902 Harney Street.

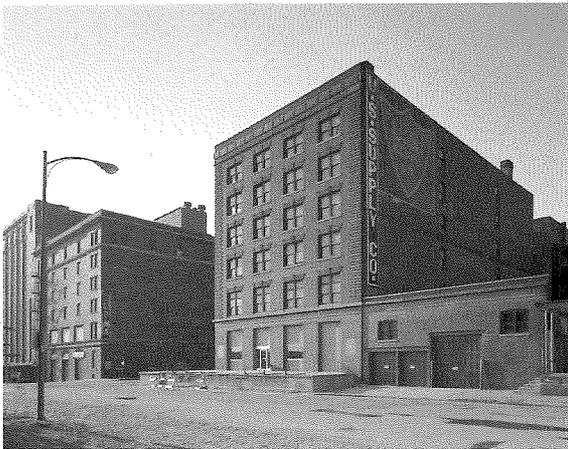


9. John Deere Plow Company Building (1908), 402 South Ninth Street. The largest structure in the district, it measured 132 x 284 feet and rose eight stories.



10. (Left) John Day Company Building (c. 1892; 1932), 401 South Tenth Street. The 1932 remodel included removing the top floor and rebuilding the façade into a simple grid of brick and glass.

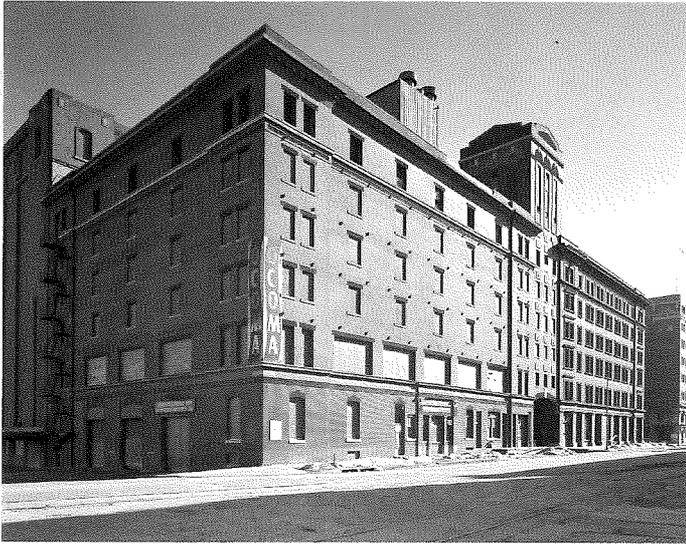
11. (Right) Brunswick-Balke-Collender Building (c. 1888), 407 South Tenth Street.



12. U.S. Supply Building (1906), 901 Farnam Street.



13. The Dempster Building (1902), 908 Harney Street.



14. Lee-Coit-Andresen Hardware Company Building (1916),  
815 Farnam Street.



16. Harding Cream Company Building  
(1904; 1915; 1925), 802-10 Harney Street.



15. H. J. Lee Warehouse Building (1900), 822 Harney Street.



17. Carpenter Paper Company Building (1906; 1928), 815 Harney Street. A 1928 top-floor remodel replaced the building's original projecting cornice with simple bands of light-colored brick.



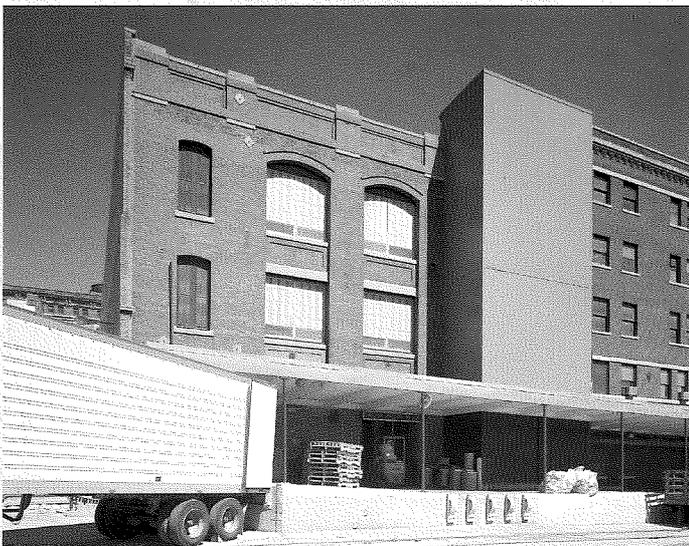
19. Creighton Block (1905), 824 Howard Street.



18. Omaha Cold Storage Company Building (1913; 1919), 809 Farnam Street.



20. Unnamed – but owned and operated by D. H. Foods Company (1901), 823 Howard Street.



21. J. I. Case Plow Works Building (1913), 814 Jackson Street.



22. Trimble Brothers Building (1920), 802 Jackson Street.

Continued from p. 61

many Jobbers Canyon advocates had of the *World-Herald's* coverage. One editorial described Landmarks Inc.'s decision not to participate in a lawsuit opposing the project and pursue other endeavors as "a worthy goal." The editorial stated, "Not every old building can be preserved. There is only so much a preservationist group can properly do to preserve buildings."<sup>34</sup> Concerns over the *World-Herald's* coverage were exacerbated in a January 30, 1988, editorial titled "New Life for Old Warehouses: Not Always Easy as It Sounds." The editorialist wrote, "Some people wanted the city to preserve the warehouses in Jobbers Canyon as part of the riverfront development. It's a good thing the city didn't buy that idea."<sup>35</sup> In fact, the city had recently made revitalizing Jobbers Canyon an important part of its downtown redevelopment plan.

The *World-Herald* praised the benefits of Central Park East, but other publications offered credence to the value of what Omaha would lose. Locally, *Metropolitan* was a weekly Omaha newspaper that unabashedly supported the preservation of Jobbers Canyon and challenged the entire redevelopment process, but had limited readership. National coverage came from publications such as the *New York Times*, *Connoisseur*, and *Time* magazine, as well as numerous smaller newspapers like the *Bridgeport* (Connecticut) *Telegram* and the *Ludington*

(Michigan) *News*. These other media outlets often portrayed events in Omaha as an assault on the city's heritage. One article reprinted in several papers around the nation indicated that in Omaha, "an alliance of short-sighted politicians and insensitive business executives . . . shattered a resplendent array of sturdy buildings with a proud heritage."<sup>36</sup> No matter the outcome, Omaha's image was taking a beating.

The conviction of numerous individuals drove the preservationist fight, as they expressed concern for Jobbers Canyon through letters, newspaper opinion pages, published articles, and public gatherings. Included in this group were prominent local people, such as Old Market developer Mark Mercer, and Martin Rosenberg, an art history professor at the University of Nebraska at Omaha. Lynn Meyer even spoke out against the position of his employer, the City of Omaha. Meyer told a reporter from the *Des Moines Register*, "this is a major turning point for preservation. It shows me all too clearly the importance of preservation, and it isn't too high."<sup>37</sup> One man even suggested that supporters send letters of concern to ConAgra with flour in the envelopes, which "as a physical, noticeable novelty will be remembered, and several encounters, or several hundred encounters will be remembered by the receiver . . . as well as the workers. It will

Looking east through the 900 Block alley between Farnam and Harney, toward the tower connecting the 1916 Lee-Coit-Andreesen Hardware Company Building (#14) with the 1900 H. J. Lee Warehouse Building (#15).



be the gossip-type item that could get the office people (at ConAgra) to talk about, and thereby assess what is going on.”<sup>38</sup>

George Haecker, a principal at the Omaha architectural firm Bahr Vermeer & Haecker and vice chairman of the LHPC, may have taken the boldest stance. To rally support, Haecker kept national organizations and leaders in Washington, D.C., abreast of events in Omaha, including the National Trust for Historic Preservation, American Institute of Architects, *Preservation News*, Congressman Peter Hoagland, and Senator Bob Kerrey. His strongest effort may have come in a scathing letter published in the *World-Herald* on March 7, 1988. In the letter, which was quoted in newspapers around the country, Haecker described Omaha as a city that “plods steadily backward,” unwilling to accept the lessons of historic preservation that many other cities have learned. He challenged the benefits of the proposed development, and the city’s commitment to established preservation policies. Haecker concluded:

I fear that Omaha will finally and irrevocably be labeled a provincial backwater that, although it had real potential as a city of balanced character and interest, chose instead to quagmire itself in blandness. The real tragedy is that by keeping the best of our existing buildings and combining them with the best of the contemporary architecture, we do have a rare and special opportunity to advance Omaha’s image by 25 years, but in our collective greed and fear, we are accepting compromises that will irrevocably diminish our urban quality.<sup>39</sup>

The response generated by Haecker’s letter reveals that there were many others who felt the same way, but were hesitant to take a bold stance. By openly challenging a plan that the business community and city leaders strongly supported, Haecker, a businessman himself, could have harmed his firm’s client relationships—a step most business owners would not take. A fellow architect wrote, “In considering the relationship Bahr Vermeer & Haecker have with the city of Omaha, no one had more to lose than George Haecker in publishing his critical analysis of the actions performed.”<sup>40</sup> Also, another local businesswoman wrote in a letter to Haecker, “you have ‘spoken out’ on a highly controversial subject which, considering your professional reputation took great courage. Thanks for saying what so many have been afraid to say.”<sup>41</sup> Even though they may have supported the preservation of Jobbers Canyon, many of Omaha’s influential people were too

scared to challenge the money and power of the Central Park East group.

Landmarks Inc. had served Omaha as its leading preservation advocate for more than two decades, but now faced a colossal challenge that would define its existence. The stakes had never been higher and the political pressure on its leaders would be daunting. The initial efforts of Landmarks Inc. were admirable, starting when members met in late August to discuss preliminary riverfront redevelopment plans. President Leonard Sommer said he wanted to work with the city and ConAgra to develop a plan that ensured Jobbers Canyon’s survival, and stressed Landmarks’ support for downtown redevelopment.<sup>42</sup> Through the autumn months it rallied member support, sent out petitions, conducted a letter-writing campaign and held open meetings to educate the public on what was at stake. As an ambitious first attempt at a public gathering, Landmarks sought a \$3,500 grant for a day of community awareness in October called “Celebrate the Canyon,” that would have included a tour of the area on Ollie the Trolley, a brass band, refreshments, and an educational seminar. However, the event did not take place. Landmarks sponsored a smaller public information meeting on November 18 that drew 150 vocal supporters, and a press conference on December 15.<sup>43</sup> Landmarks eventually hosted its “Celebrate the Canyon” event on March 19, albeit on a slightly smaller scale. Still, nearly five hundred people took guided tours of the canyon and viewed slideshows about its history. At the event, Landmarks Inc. Executive Director Becky Day praised the historic district’s dense urban setting and historic value, and argued that the collection of architectural styles represented in the canyon to be greater than any single district in New York City.<sup>44</sup>

Preservation organizations at all levels did what they could. The Nebraska State Historic Preservation Board passed a resolution of support for the historic district on September 30, 1987. The board acknowledged that Jobbers Canyon possessed “exceptional significance in history and architecture,” and urged that any redevelopment consider the importance of preserving the historic district. One week later James Hanson, the State Historic Preservation Officer, sent the resolution in a letter to city leaders and numerous other involved or concerned parties.<sup>45</sup> Mayor Simon responded to Hanson on November 16, 1987. Sympathetic in tone, Simon acknowledged Jobbers Canyon as a valuable cultural resource and that the city worked for two months on alternate plans that combined it with

---

“I fear that Omaha will finally and irrevocably be labeled a provincial backwater that, although it had real potential as a city of balanced character and interest, chose instead to quagmire itself in blandness.”

— George Haecker

---

---

It is evident that Mayor Simon felt he had no choice but to accommodate Harper's demands.

---

ConAgra, but the company eventually determined it to be incompatible with its corporate vision. He then decried Omaha's fragile position with the "steady erosion of downtown employees," and that ConAgra's presence was critical for a downtown resurgence. It is evident that Mayor Simon felt he had no choice but to accommodate Harper's demands.<sup>46</sup>

The Nebraska State Historical Society's strongest effort centered on the legal ramifications of federal involvement in the development. Section 106 of the NHPA requires federal agencies to evaluate what effects their action would have on historic properties. These actions might include financial assistance, the issuance of permits, or licensing. If there is involvement the federal agency must first identify all historic properties in the affected area, and whether they are currently listed or eligible for listing on the National Register of Historic Places. Unlisted but potentially suitable properties must be referred to the appropriate state historic preservation officer or the National Park Service to determine eligibility. If it is established that listed or eligible properties exist on the site, the agency must consult with the state historic preservation officer to determine if the action will affect them. If the agency's actions would adversely affect the historic property, consultations must take place on how to limit the negative outcome. All local governments, property owners, the state historic preservation officer, and interested parties should be involved in this process. If an understanding is reached, a memorandum of agreement is created and signed. In the event that an agreement is not reached, the Advisory Council on Historic Preservation (ACHP) should be requested for formal comments. If the ACHP accepts the memorandum of agreement or is given a reasonable opportunity to comment, and the federal agency implements its terms, it has fulfilled Section 106 requirements.<sup>47</sup>

Hanson knew that this federal historic preservation law might be the key to saving Jobbers Canyon. While a review could not prevent demolition from occurring, it would delay it, and ConAgra had consistently held that delays to the project might drive them to an alternate site. A 106 review would also afford more time and exposure to find another solution. On January 5 Hanson called Robert Fink, chief of the ACHP's Western Division of Project Review in Golden, Colorado, to establish contact, and sent him a letter two days later which outlined the circumstances pertaining to Central Park East. Hanson wrote that the "massive undertaking will probably require federal involvement either tangentially or directly," and said he

felt "compelled" to tell Fink so that the necessary federal agencies could be informed of Section 106 review requirements.<sup>48</sup> Fink responded in a timely manner by sending letters on January 28 to the U.S. Department of Housing and Urban Development, U.S. Army Corps of Engineers, the National Park Service, and the Interstate Commerce Commission, reminding them of their obligation to Section 106 of the NHPA.<sup>49</sup> To further investigate the matter, the State Historic Preservation Board voted on February 3, 1988, to have staff research potential federal involvement in the riverfront development plan.<sup>50</sup>

The LHPC also boldly defended Jobbers Canyon. This official city advisory body met on October 2, 1987, to discuss the threat posed to the historic district, and unanimously adopted a resolution supporting its preservation and rehabilitation. LHPC Chairman Michael Fenner sent a copy of the resolution to Mayor Simon on October 14. In a spirit of coexistence, the resolution cited the following points in support of the LHPC's position:

- The district was listed on the National Register, and the City of Omaha had recommended its designation.
- The district was significant for its architecture and for its role in Omaha's commercial development.
- The city's master plan called for the identification, preservation, and rehabilitation of such properties.
- The city had established a "strong precedent" for rehabilitating downtown historic properties by participating in projects like the McKesson-Robbins Building, Orpheum Tower, New Idea, and Union Outfitting.
- Jobbers Canyon was recognized nationally as "a valuable and unique historic resource," that could attract development and tourism, and its link to the Old Market Historic District would support this.
- Central Park East and ConAgra were important to the city's future.
- Omaha's future would be best served by the continued contributions of both ConAgra and Jobbers Canyon Historic District.<sup>51</sup>

The LHPC attempted to persuade supporters of ConAgra's vision to recognize the importance of Jobbers Canyon to Omaha. Fenner sent a letter to Michael Wiese, executive director for the Omaha Development Foundation, to plead the case for preservation. Wiese's October 20, 1987, response exemplified the unwavering position of the foundation and the city, and gave no acknowledgment of Jobbers Canyon's value. Wiese said Central Park East

offered great promise for downtown's future, and was the "last hope" of connecting Central Park Mall with the river that century. He argued that ConAgra was a "homegrown company with deep and historic roots in our community," perhaps to make a point that Jobbers Canyon was not the only historically significant party in this debate. Wiese matter-of-factly stated that ConAgra's planned development did not allow a coexistence with the canyon. It was very apparent that the city and development foundation would not change their position. Preservationists would have to push for greater public support, and, if need be, take legal action.<sup>52</sup>

In support of the Nebraska State Historical Society's effort to press for a federal Section 106 review, Lynn Meyer spoke with Fink on March 1, 1988. Fink had discouraging news. He stated that the ACHP sent letters to the federal agencies, except for the Environmental Protection Agency, but such inquiries were "kind of a long shot," and that they normally "do not go around reminding federal agencies of their responsibilities" to Section 106 review. Fink said that the Corps of Engineers and the National Park Service denied any involvement, but encouraged Meyer to "listen carefully" at upcoming public hearings for references to federal participation. Fink concluded that the ACHP could do nothing more until federal involvement was established.<sup>53</sup>

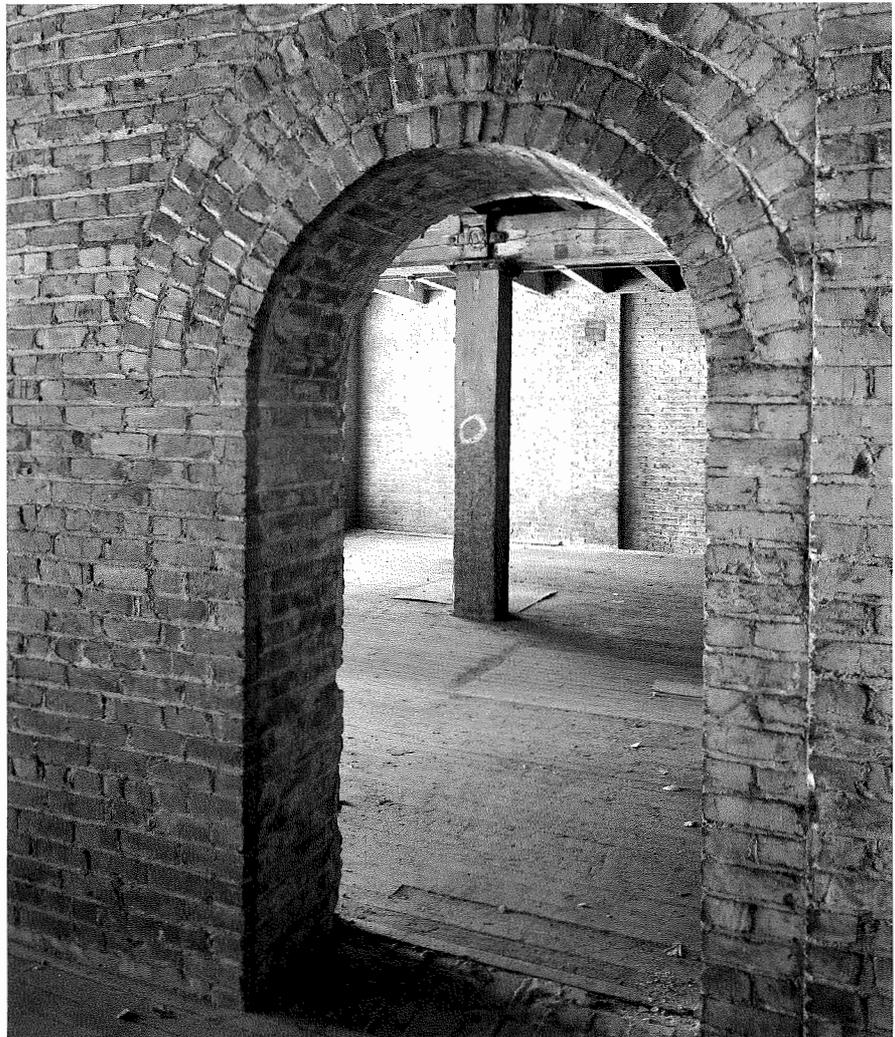
Despite the unwavering position of ConAgra and its supporters, other factors played to the favor of preservationists. The task force putting together the riverfront redevelopment plan faced competition from other Nebraska cities. The most aggressive effort came from Lincoln, which offered a free 240-acre site in July. After hearing about the offer, Mayor Simon commented in August, "I reacted like somebody hit me in the solar plexus with a good, hard left hook."<sup>54</sup> Harper openly discussed the options he had to choose from, but gave special attention to Lonergan Lake. Located northwest of the 72<sup>nd</sup> Street and Bennington Road intersection, the suburban location's prominence as a viable option is supported by ConAgra's payment of \$876,000 for 570 acres adjacent to the lake, by the preference of many company employees for a suburban location, and by three city councilmen questioning Harper's commitment to Central Park East. During the plan's approval process in March 1988, council members Joe Friend, Walt Calinger, and Allen Dinzole requested a personal assurance from Harper that he would build on the riverfront. Friend said, "I told him I had a gut feeling he'd preferred Lonergan Lake and was looking for a glitch so he could get

out of the riverfront."<sup>55</sup>

There were also physical disadvantages to the riverfront location that needed to be overcome. In addition to ConAgra's objection to the warehouse buildings, Central Park East was marred by railroad tracks, electric transmission wires and pylons, and the presence of the Union Pacific Railroad's historic freight house—which Harper wanted demolished. Negotiations with the Omaha Public Power District and Union Pacific Railroad resolved these issues, including the removal of roughly one hundred feet from the east end of the freight house, which the railroad would later renovate into a state-of-the-art dispatch center for \$55 million. Union Pacific's willingness to accommodate ConAgra may have cost the company \$800,000 in federal tax credits for historic structures.<sup>56</sup>

The purchase of the warehouses in Jobbers Canyon may have been the most challenging aspect of the riverfront redevelopment plan. The Omaha Development Foundation, an arm of the

**Inside the Dempster Building, 908 Harney Street (#13), a 1902 Renaissance Revival style warehouse.**





Butting up against the Dempster Building (left, #13), the Fairbanks, Morse and Company Building (#8) is all but gone. Across the street are the conjoined Lee-Coit-Andresen Hardware Company Building (#14) and the H. J. Lee Warehouse Building (#15).

Greater Omaha Chamber of Commerce, negotiated with property owners through the autumn months; but possessed limited time to make a deal. ConAgra had set a January 4, 1988, deadline for its decision on where to build its new headquarters and laboratories. If the foundation had not acquired options to purchase the warehouses by then, ConAgra would build at an alternate site—an event the city would do everything possible to avoid. But negotiations were difficult, a stumbling block that could have saved the historic district. The owner of the Omaha Cold Storage building said in September 1987, “There’s no problem with us selling . . . the terms are our concern.”<sup>57</sup>

On the morning of January 4 a deal had not been struck, so, as Assistant City Attorney Ken Bunger described it, a “come to Jesus meeting” ensued at the John Day Company building in Jobbers Canyon. The warehouse owners worked as one negotiating group, and most seemed to be on board except for one small tavern owner. Bunger, who was in attendance with representatives of the Omaha Development Foundation, city, ConAgra, and property owners, said nobody was going to leave the office until a deal was cut.<sup>58</sup> In the end an agreement was reached at 11:00 p.m., and they celebrated with brandy in plastic cups. Mayor Simon later confessed that “a quirk in federal law” finally brought the two sides together. Tax law allowed building owners to avoid paying federal capital gains tax on sale proceeds if the structures were involuntarily condemned. To break the impasse, Simon signed a letter agreeing to condemn Jobbers Canyon “at the very last minute” on the January 4 deadline.<sup>59</sup>

**The Greater Omaha Chamber of Commerce** held a press conference on January 5, 1988, announcing ConAgra’s decision to build at Central Park East. The campus was to include a corporate headquarters, central offices for ConAgra’s independent operating companies, and a food product development laboratory. Harper said, “This is an exciting break with Omaha’s past,” while Mayor Simon espoused, “What happened here today is that we’ve taken the city of Omaha and moved it forward at least 25 years.” Harper touted that 430 jobs would be transferred to Omaha from St. Louis, Missouri, and Scottsdale, Arizona, as part of the development’s first phase.<sup>60</sup> Harold Andersen, editor of Omaha’s sole major newspaper and vice president of the development foundation, said, “I can’t recall, in my time, a city project which has brought together so much good spirited

cooperation between the public and private sectors.”<sup>61</sup> ConAgra’s decision to build at Central Park East also prompted Douglas County to revisit a plan to build a twenty-eight-acre park, and finally realize the vision put forth in the 1973 CBD to link downtown with the Missouri River.

The January 5 news conference was charged with optimism about ConAgra’s choice, but the City Council and County Commissioners still had to finalize plan details and approve a redevelopment agreement. The Planning Department soon released the *Riverfront Redevelopment Plan*, which would capitalize “on the unique assets created by the Central Park Mall, the riverfront site, and the adjacent Old Market district to convert a blighted and under used area into a major asset for the City of Omaha and an unparalleled gateway into the State of Nebraska.”<sup>62</sup>

Before the City Council could vote on the plan’s approval, the LHPC had the opportunity to comment. As an advisory body to the City Council, the commission held a meeting on January 21, 1988, to review the riverfront plan and the repeal of a local landmark designation for the Fairbanks, Morse and Company building. This building was located in the Jobbers Canyon Historic District and unless the landmark designation was repealed, it could not be demolished with the other warehouses.

Advocates for Jobbers Canyon took advantage of this public forum. The meeting was packed with seventy-five preservation supporters, who held red helium balloons and applauded several speakers that voiced opposition to the riverfront plan. Proponents of the plan also explained why they supported it, arguing that the benefits outweighed the loss of the canyon. The LHPC voted unanimously to oppose repeal of the historic designation and declared the proposed riverfront plan to be inappropriate.<sup>63</sup> However, the commission’s recommendations did not influence the final outcome. After City Planning Board approval on January 27, the City Council unanimously approved the riverfront plan and rescinded the Fairbanks Building’s historic certification on February 2.

Testimony before the City Council vote was spirited. Supporters came from long distances to attend the meeting, 175 in all, including Richard Tyler, Historic Preservation Officer for the Philadelphia Historic Commission, and Clark Strickland, director of the Denver regional office of the National Trust for Historic Preservation. One of the Old Market’s original developers, Sam Mercer, who lived in Paris at the time, also testified at the meeting. Marty Shukert spoke in favor of the plan, and said

---

To break the impasse, Mayor Simon signed a letter agreeing to condemn Jobbers Canyon “at the very last minute” on the January 4 deadline.

---

---

**“All due speed is necessary,” said a ConAgra attorney. “If the project is off track, alternate sites would have to be located immediately.”**

---

Omaha did not need to be lectured about historic revitalization. He added that the development was a needed bold step and would create a market for future rehabilitation projects. The general conclusion of council members echoed the argument used by other city officials—that the development’s benefits outweighed the cost of losing Jobbers Canyon. Bruce Lauritzen, chairman-elect of the Greater Omaha Chamber of Commerce, declared, “This is one of the greatest redevelopment projects the city of Omaha or any city close to our size has seen.”<sup>64</sup>

The city had approved the *Riverfront Redevelopment Plan*, but an outline of obligations had to be agreed upon before the plan could proceed, and ConAgra’s self-imposed timetable to move into its new offices by the summer of 1989 motivated all parties to proceed quickly. Bruce Rohde, an attorney representing ConAgra, said, “All due speed is necessary . . . If the project is off track, alternate sites would have to be located immediately.”<sup>65</sup> After a month of challenging negotiations the city and Douglas County came to a financing and design agreement, but altered the original plan approved by the city in doing so. Compelled by a lawsuit (which will be addressed in the following paragraphs), the city held several public meetings regarding these changes. Preservationists, however, contended that the meetings were a mere formality. A binding agreement between the City of Omaha, Douglas County, ConAgra Inc., the Omaha Development Foundation, and the Peter Kiewit Foundation was finally reached on May 3.<sup>66</sup>

The politically sensitive environment left some preservationists bewildered, but it emboldened others. Prior to ConAgra’s announcement to locate on the riverfront, Leonard Sommer, Landmarks Inc.’s president and a certified public accountant, was a vocal advocate for saving the historic district. However, his approach softened in a letter published by the *World-Herald* on January 17, indicating a resignation to the inevitable. He wrote, “The partnership has spoken, the riverfront will be developed and Jobbers Canyon will be demolished.” Sommer wanted to support the preservation of historic properties, but in this instance he did not want Landmarks to delay or stop the development of Central Park East.<sup>67</sup> This is also supported by a letter Sommer sent to Landmarks Inc. board members on February 9, 1988. The board had voted a week prior to support a federal Section 106 review in hope of delaying the project, but Sommer argued that Landmarks’ effort should end with its successful campaign to raise public awareness. He felt that much had already been done to reach

a compromise—including efforts by the Omaha Development Foundation and the City of Omaha—but it was now time to get out of the way. He wrote, “I believe by pursuing this project in a confrontive manner puts us at serious odds with the citizens of Omaha, the people we represent.”<sup>68</sup> To many people, Landmarks was losing credibility as Omaha’s leading preservation advocate.

Tired of what he viewed as inaction, Landmarks Inc. member Mark Himes left the organization in February to form People for Responsible Omaha Urban Development (PROUD); a new preservation group willing to take a more concerted approach.<sup>69</sup> In late February, PROUD sent letters to five thousand people, seeking support and aggressively attacking the riverfront plan. Using a “fact vs. fable” approach, the letter challenged several points, including the claim of \$285 million in future development, the use of public money, the access and usability of the proposed park, the need to keep ConAgra downtown, and the reason given to demolish the entire warehouse district. The letter stated: “Threats have been used to silence demands for compromise by concerned citizens. We have been told that delay in the plan’s approval will cause ConAgra to move elsewhere, delaying riverfront development for ‘500 years.’ Indeed, we have been led to believe that this community could not withstand a ConAgra transfer 100 blocks to the northwest in Omaha!”<sup>70</sup>

PROUD members testified at the public hearings. Himes said on March 8, “This plan is fantastic if you think the city needs to go out of its way to provide a major office site for ConAgra . . . If you’re interested in the citizens of Omaha, tell ConAgra to compromise.”<sup>71</sup> Another supporter challenged the City Council on March 29, at the ninth public hearing on the plan, stating, “I believe this plan is parasitism. They’ll drain the life’s blood out of the city. You have to be the check. I ask you, where are the real men in this city?”<sup>72</sup> Cognizant of elapsing time, the perceived useless nature of the public meetings, and the city’s commitment to ConAgra, PROUD also contacted the ACHP regarding federal agency obligation to Section 106. The group thought that a delay through the review process might save a number of buildings, but federal agencies had denied involvement. This prompted PROUD to file a lawsuit in federal court on March 25.

With the legal option put into play, Landmarks Inc. had a decision to make: would it join the lawsuit or not? In late April, with Sommer at the helm, the board voted 12-7 not to participate. This



Demolition of the Trimble Brothers Building, 802 Jackson Street (#22). The demolition of Jobbers Canyon began following an April 13, 1988, court ruling and continued into 1989.

decision led to more controversy among board members, prompting at least one to resign her post on May 2. Ree Schonlau described her decision for leaving as “sadness over the Jobbers Canyon situation, the lack of any leadership in our group and the floundering around.”<sup>73</sup> Landmarks’ internal division became more apparent after being urged by the National Trust for Historic Preservation to take part in legal action. The trust’s request compelled the board to reexamine the matter on May 5, voting to reverse its earlier decision and join the lawsuit. In turn, Sommer and others resigned. Some of Landmarks’ members felt that an obstructionist approach would alienate Omaha’s elite, thereby harming future preservation efforts and personal interests. In the end, Landmarks would not follow through with its decision to officially join the lawsuit.<sup>74</sup>

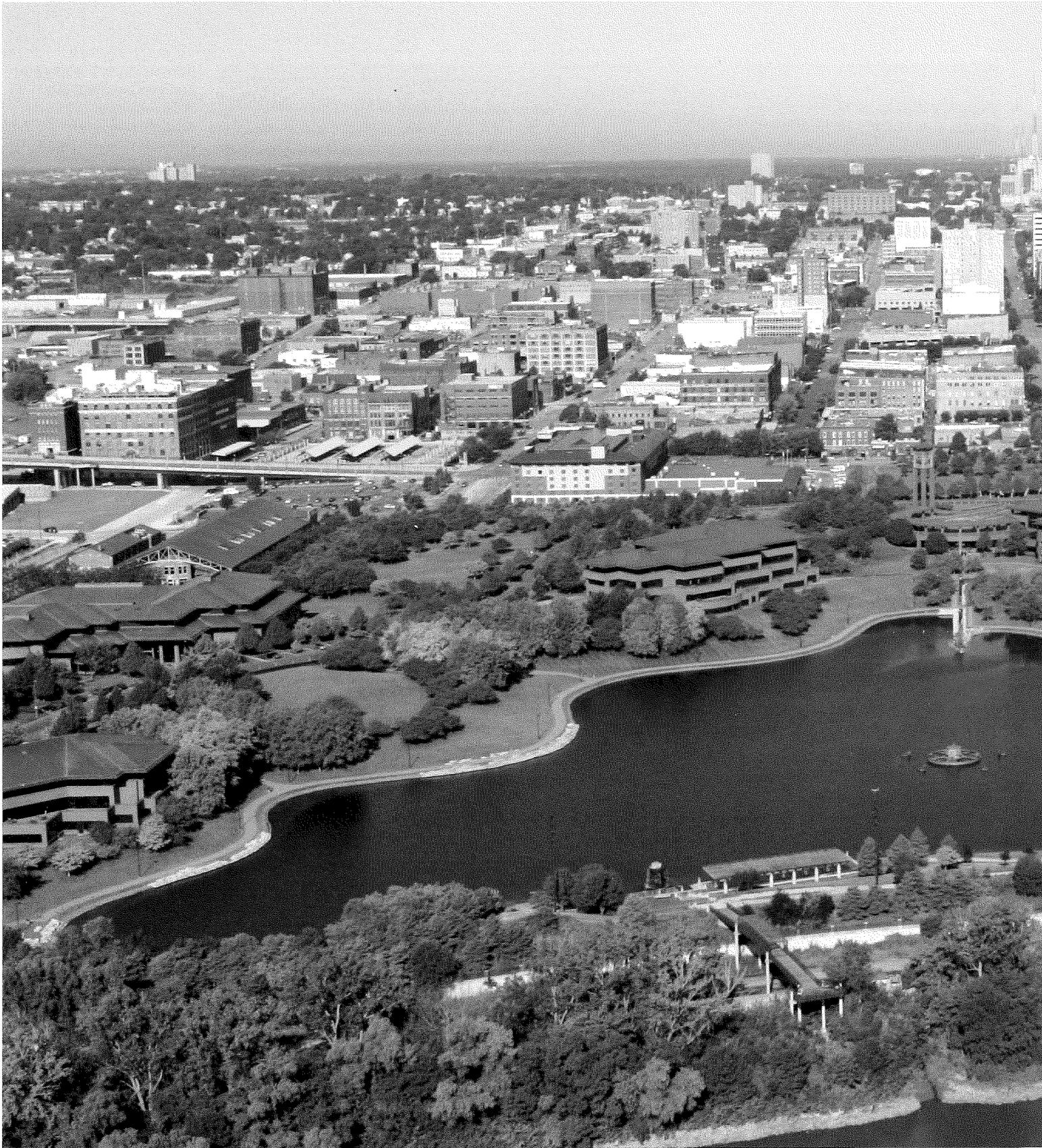
Thomas White, an attorney and one-time member of Landmarks, sheds more light on challenges that faced the supporters of Jobbers Canyon. He said that Landmarks had done much for the preservationist cause:

Yet when confronted by a powerful coalition of business and government, Landmarks was divided by an extended internal debate on the principles and the wisdom of defending Jobbers Canyon. While this debate raged, our opponents’ project quickly built momentum. A united front sending the message that an expensive battle would have to be fought before the canyon would fall might have derailed the project at

this time. Thus, an excellent opportunity to save Jobbers Canyon was lost to vacillation.<sup>75</sup>

It is all too apparent that the political environment surrounding Central Park East was extremely volatile. Many people who were pillars of the preservationist community were not willing to jeopardize their personal interests for what seemed like a losing battle. A united front may have resulted in a different outcome.

Preservationists filed three lawsuits to save Jobbers Canyon. On March 8, 1988, PROUD and Mark Himes (as a taxpayer) filed a lawsuit in Nebraska District Court against the City of Omaha, seeking a writ of mandamus to order public hearings regarding changes to the riverfront plan. PROUD alleged that the plan approved by the City Council had been substantially modified, and the public should be allowed to address these changes. The city held several meetings to answer PROUD’s objections, and the district court ruled in favor of the defendants. PROUD declared the meetings to be a sham and appealed, but to no avail. The Nebraska State Supreme Court held on August 17, 1990, that the plaintiffs were not entitled to mandamus relief because there were other legal options available to achieve their goals; and the court did not have authority to determine if the meetings were in fact a sham and therefore void.<sup>76</sup> In a separate case, the American Indian Center of Omaha filed a lawsuit in Douglas County District Court on April 28, against Douglas County. The American Indian Center,



Looking west from above the Missouri River, Heartland of America Park and ConAgra Headquarters occupy the land that once held Jobbers Canyon. Eighth and Ninth streets are gone, but the Tenth Street Viaduct is visible at the photo's left edge. Farnam Street marks the northern boundary of the ConAgra campus. The Nash Block—the only remaining building of Jobbers Canyon—stands in Gene Leahy Mall on the north side of Farnam. Reprinted with permission from the *Omaha World-Herald*.



a nonprofit organization that offered a variety of social programs in Omaha, had previously restored the historic Florentine Apartments and received Landmark Inc.'s Preservation Award in 1987.<sup>77</sup> The center alleged that county commissioners illegally approved a \$1 million appropriation to an eastward extension of Central Park Mall. The center hoped to stop the development, but was unsuccessful. The American Indian Center of Omaha became defunct in 1990 after experiencing severe financial problems.<sup>78</sup>

The third lawsuit, filed in U.S. District Court on March 25, 1988, drew the most attention. The plaintiffs in the case were PROUD, Mercer Management, and Roger duRand. The National Trust for Historic Preservation joined as an intervening plaintiff on April 28. The defendants were the Army Corps of Engineers, National Park Service, Interstate Commerce Commission, ConAgra, Omaha Development Foundation, City of Omaha, and Douglas County. The court sought to determine if there was any funding, licensing, approval, or other involvement by the federal agencies, requiring a Section 106 review or otherwise implicating the National Environmental Policy Act (NEPA) or the Land and Water Conservation Fund Act. The goal was not necessarily to stop the project, but to delay it through NEPA and NHPA compliance, and hope that the review process would result in saving at least one of the buildings. The case against the National Park Service centered on a \$750,000 grant from the Land and Water Conservation Fund to Douglas County for development of the park, which required approval for a conversion of land use, and thereby required a Section 106 review. Plaintiffs charged that the Interstate Commerce Commission had to comply with NHPA and NEPA requirements, because it had to approve changes to the rail lines, including the abandonment of one section that ran through the development site.<sup>79</sup> Plaintiffs charged that the Corps of Engineers had approval authority over plans in the vicinity of the Missouri River floodwall, which was enough involvement to trigger NHPA and NEPA. The plaintiffs also argued that the railroad abandonment brought ownership of the land into question.<sup>80</sup>

Judge Lyle Strom initially drew the case, but PROUD attorney Ed Fogarty asked that he recuse himself. The request was made because one of Strom's clerks was related to a high-ranking ConAgra executive.<sup>81</sup> Strom was happy to remove himself and sent the case to Judge Warren Urbom in Lincoln on April 1. Fogarty was initially happy about this, because he viewed Urbom as a power-

ful advocate for NEPA due to past experiences with him on a case regarding the Niobrara River. Attorney Jack North, a good friend of Mike Harper, came out of retirement and led the defense team. Fogarty sought a temporary restraining order and an injunction to prevent demolition of the buildings. Urbom listened to arguments on April 12, from North and Fogarty. Fogarty said his strongest argument was the \$750,000 federal grant received by Douglas County, which stipulated that the county had to obey federal regulation even after the money was spent. Fogarty declared, "This park is the heart of the project. It's what makes ConAgra want to be here . . . . This is a time at which historical review is appropriate." North said, "You do not have a situation in which there is significant federal involvement . . . . Everybody that is participating in the project has decided that they do not want and will not seek federal funds."<sup>82</sup> The following day Urbom denied the plaintiff's request, because they were unlikely to succeed on the merits of the case.<sup>83</sup> Demolition on the warehouses began immediately after Urbom issued his ruling.

As wrecking cranes moved in to Jobbers Canyon, the plaintiffs made their argument in a trial to save some of the buildings. Because Urbom's schedule would not permit him to hear the case until August, he designated U.S. Magistrate Richard Kopf as special master to oversee the proceedings. From May to July, Kopf considered oral arguments, a four-day trial, and numerous briefs before filing a report on July 28 listing his findings and recommendations. During trial testimony Shukert said that Central Park East was the best option in an effort to preserve other downtown development, while George Haecker declared, "The embarrassing thing is, from the national perspective, it is really typical of urban renewal of the 1950s and 1960s, which has proven not to work."<sup>84</sup> Kopf held a second trial December 5-8, to determine whether the title to Central Park East was defective, and filed a 108-page report on January 20, 1989. In these reports, Kopf recommended to Judge Urbom that the court rule in favor of the defendants and dismiss the case, finding that there was no federal funding, licensing, or other involvement that would trigger a Section 106 review under the NHPA, or implicate NEPA or the Land and Water Conservation Fund Act. Urbom officially accepted both reports, and ruled in favor of the defendants on February 14, 1989.<sup>85</sup>

Resolute, the preservationist group appealed to the Eighth Circuit Court in St. Louis, seeking a stay of execution on seven remaining buildings.

This action resulted in the first real positive news for the plaintiffs, when the court issued an injunction temporarily halting the demolition of five buildings—the Wright & Wilhelmy building, the New Idea building, and the three John Day Company buildings. The court denied an injunction prohibiting the demolition of the Carpenter Paper Company building and the Nogg Paper Company building, because they were already under contract to be razed.<sup>86</sup> The appeal was expedited due to the stay aspect, and a three-judge panel of the Eighth U.S. Circuit Court of Appeals in St. Louis listened to arguments in April. This was unusual, because it typically took eight months to a year to get a court date.<sup>87</sup> Jobbers Canyon’s reprieve lasted just three months before the Eighth Circuit Court dissolved the injunction. With that ruling, Michael Wiese said that he expected the remaining warehouses would be razed within forty-five days.<sup>88</sup>

Even though Jobbers Canyon no longer existed, PROUD, this time acting alone, petitioned the U.S. Supreme Court in March 1990. Fogarty said PROUD did this because there were “significant legal issues” that could affect future court actions involving historic buildings.<sup>89</sup> However, on May 29, 1990, the U.S. Supreme Court rejected PROUD’s appeal.<sup>90</sup>

**Omaha’s urban core was in** a slow decline for many years, but city leaders had conscientiously sought ways to reverse this trend. The 1973 CBD captured the imagination of many people, and Jobbers Canyon played an

important role in this vision for downtown Omaha. Recognizing the historic district’s value, city officials had hoped to revitalize it in accordance with the CBD, but ConAgra’s decision to relocate created a sense of anxiety. Despite this, the city’s commitment to Jobbers Canyon persevered, even after Harper denounced the warehouses as “big, ugly red brick buildings.” It was the substantial influence of Omaha’s business leaders that convinced Mayor Simon to meet Harper’s requirements. This coalition adopted a fatalistic stance, declaring the preservation of downtown Omaha to be in jeopardy without ConAgra. Indeed, the company located its headquarters at Central Park East and downtown Omaha is once again a vibrant urban destination, but there were other factors contributing to this resurgence, such as a robust and diverse employment base. Downtown Omaha and the adjacent Midtown district are home to four other Fortune 500 companies—Union Pacific, Mutual of Omaha, Kiewit, and Berkshire Hathaway—as well as other large banking and insurance companies. More than 85,000 people are currently employed in the combined district.<sup>91</sup> One can now only imagine what the landscape of downtown Omaha would look like today if preservationists had prevailed in their effort to save Jobbers Canyon. It might have been equally as vibrant—if not more so—but it was this lack of certainty that weakened the city’s commitment to the historic district, giving way to the development of Central Park East. 🏠

*Daniel Spegel is an adjunct history instructor at Metropolitan Community College in Omaha, Nebraska. An earlier article by Spegel, “The Missouri National Recreational River: An Unlikely Alliance of Landowners and Conservationists” appeared in the Spring 2009 issue of Nebraska History.*



Looking north along the 400 block of South Ninth Street (between Harney and Howard) in 1986. The Creighton Block (#19) is on the right; the John Deere Plow Company Building (#9) is on the left.

## NOTES

<sup>1</sup> Harvey Leavitt, ed., *Riverfront: The Humanist Speaks* (University of Nebraska at Omaha, 1976): 66. Document on file at the Douglas County Historical Society Archive Center, Omaha, Nebraska (hereafter DCHS Archive).

<sup>2</sup> "Omaha the Market Town," *The Western Trader* 3:1 (January 1912), DCHS Archive.

<sup>3</sup> Martin Shukert, "A Synthesis of Visions: Planning, Politics, and Controversy in Downtown Omaha," 2. Document on file with author, and is a draft for the following published article: Martin Shukert, "A Synthesis of Visions: Planning, Politics, and Controversy—Redeveloping Downtown Omaha," *Real Estate Review* 39:1 (2010).

<sup>4</sup> *Ibid.*, 5-7.

<sup>5</sup> Omaha City Planning Department, "Central Business District Plan" (hereafter Omaha CBD), 1973, DCHS Archive, iii.

<sup>6</sup> *Ibid.*, 44.

<sup>7</sup> Martin Shukert, planning director (former), City of Omaha, interview by author, Oct. 29, 2010, Omaha, Nebraska.

<sup>8</sup> Omaha CBD, iii.

<sup>9</sup> *Ibid.*, 60.

<sup>10</sup> <http://www.cityofomaha.org/planning/landmarks/landmarks-commission>, accessed Dec. 16, 2010.

<sup>11</sup> Barbara Zandbergen, Union Pacific Railroad Company, to Joseph Wood, chairman, Landmark Heritage Preservation Commission, Mar. 2, 1983. Document on file at the Nebraska State Historic Preservation Office, Lincoln, Jobbers Canyon file (hereafter SHPO Archive). Also, there are letters of opposition from Burlington Northern Railroad and Procter & Gamble Company on file at the SHPO Archive. The proposed landmark district would have been larger than the nationally designated Jobbers Canyon Historic District, bounded by Eighth and Tenth between Douglas and Jones streets. See also: Kevin Collison, "Landmark Status is Considered for Warehouses Near 9<sup>th</sup> Street," *Omaha World-Herald*, Jan. 26, 1983, 8; Landmarks Heritage Preservation Commission, "Application for Landmark or Landmark Heritage District Designation, Fairbanks-Morse and Co. Warehouse," January 1981, DCHS Archive, Jobbers Canyon-BVH file.

<sup>12</sup> "National Register of Historic Places, Inventory—Nomination Form, Jobbers' Canyon Historic District," September, 1986, item 8, 1. Copies at DCHS Archive; SHPO Archive.

<sup>13</sup> Leonard Eaton, *Gateway Cities and Other Essays* (Ames, IA: Iowa State University Press, 1989), 114.

<sup>14</sup> Lynn Meyer, administrator, Landmarks Heritage Preservation Commission, to James Hanson, state historic preservation officer (hereafter NSHPO), Sept. 25, 1986, SHPO Archive.

<sup>15</sup> James Hanson, NSHPO, to D. H. Foods Company, Sept. 4, 1986, SHPO Archive. Identical letters were sent to each of the property owners. Copies of these letters are also on file at the SHPO Archive.

<sup>16</sup> Michael Boyle, mayor, City of Omaha, to James Hanson, NSHPO, Sept. 24, 1986, SHPO Archive.

<sup>17</sup> Thomas Lauritsen, to James Hanson, NSHPO, Oct. 6, 1986, SHPO Archive.

<sup>18</sup> "Minutes, Historic Preservation Board Meeting," Oct. 8, 1986, SHPO Archive. The board's approval stipulated that it attempted to contact D. H. Foods to gain its support for the Historic District. A letter was sent to the company on Oct. 30, 1986, arguing the benefits of designation and how it would not harm the company's use of the property. It is not clear if D. H. Foods ultimately gave its support. See: James Hanson, NSHPO, to Jerry Schonhoft, for D. H. Foods, Oct. 30, 1986, SHPO Archive.

<sup>19</sup> "Historic District at Issue in Omaha," *New York Times*, Dec. 13, 1987. <http://query.nytimes.com/gst/fullpage.html?res=9B0DE1D81731F930A25751C1A961948260>, accessed on March 8, 2011. Also see: [http://money.cnn.com/magazines/fortune/fortune500\\_archive/full/1987/](http://money.cnn.com/magazines/fortune/fortune500_archive/full/1987/). In 2010, ConAgra was listed at 178 on the Fortune 500. See: [http://money.cnn.com/magazines/fortune/fortune500/2010/full\\_list/101\\_200.html](http://money.cnn.com/magazines/fortune/fortune500/2010/full_list/101_200.html)

<sup>20</sup> Charles M. Harper, "Omaha Impressions," *Our City*, October 1987, 20, DCHS Archive. The new company renamed itself Enron approximately one year after the merger. For more detail on the merger and LB775, see: Janet Daly Bednarek, "Creating an Image Center: Reimagining Omaha's Downtown and Riverfront, 1986-2003," *Nebraska History* 90:4 (Winter 2009), 194-95.

<sup>21</sup> Shukert Interview, Oct. 29, 2010.

<sup>22</sup> Ken Bunger, assistant city attorney (former), City of Omaha, interview by author, Oct. 11, 2010, Omaha, Nebraska; Shukert Interview, Oct. 29, 2010; Kevin Collison, Robert Dorr and Alan Gersten, "Simon Hopes to Lure Two to Riverfront," *Omaha World-Herald*, Aug. 26, 1987, 1.

<sup>23</sup> Jim Schwab, "Omaha Held Hostage: How a Food Giant Gobbled up a Historic District," *The Progressive* 53:5 (May 1989), 38.

<sup>24</sup> Bernie Simon, mayor, City of Omaha, to James Hanson, NSHPO, Nov. 16, 1987, DCHS Archive, Jobbers Canyon-BVH file.

<sup>25</sup> Shukert Interview, Oct. 29, 2010. Also see: Kevin Collison, "One City Concept Tried to Utilize Jobbers Canyon," *Omaha World-Herald*, Mar. 10, 1988, 21. Harper's famous quote, "big, ugly red brick buildings," has been recounted many times in a variety of publications. The *Omaha World-Herald* refers to it in the following article: Kevin Collison, "Campus Environment Sought, ConAgra Finds Riverfront Holds 'Powerful' Lure," *Omaha World-Herald*, Aug. 21, 1987, 1.

<sup>26</sup> Collison, "One City Concept Tried to Utilize Jobbers Canyon."

<sup>27</sup> Shukert Interview, Oct. 29, 2010. Shukert also said the proposal from Lincoln was a minor concern, and does not believe the locations outside of Omaha were serious options. Also see: Schwab, "Omaha Held Hostage," 38. Schwab says that Shukert and a fellow planner, Greg Peterson, told Harper that his demand was "impossible."

<sup>28</sup> Steve Jordon and Kevin Collison, "Company Won't Say Some Leaders Ask ConAgra Planners: Build at Riverfront," *Omaha World-Herald*, June 14, 1987.

<sup>29</sup> *Cornerstone: Historic Preservation in Nebraska*, Nebraska State Historical Society, Fall 1987, 5. This issue also includes a map of the district and the proposed redevelopment area.

<sup>30</sup> Bob Puschendorf, deputy state historic preservation officer, correspondence with the author, April 28, 2011.

<sup>31</sup> Bill Kreifel, "Preservationists Contend Omaha Caved in to ConAgra," *Lincoln Journal Star*, May 1, 1988, 1C, 4C; "Newspaper Ignores Demolition Debate," *Nebraska City News-Press*, Mar. 3, 1988.

<sup>32</sup> Kevin Collison, "ConAgra Project Foes Primed for Hearings," *Omaha World-Herald*, Jan. 22, 1988, 13. Also see: Kevin Collison and Paul Goodsell, "ConAgra Move Could Reverse Suburban Trend," *Omaha World-Herald*, Jan. 10, 1988, 1; Kevin Collison, "Mayor Simon Predicts Boom in Development," *Omaha World-Herald*, Jan. 8, 1988, 13; Kevin Collison and Paul Goodsell, "Riverfront Construction May Pass \$175 Million," *Omaha World-Herald*, Jan. 6, 1988, 17; Schwab, "Omaha Held Hostage," 39. Schwab said that "Harper had virtually a free public relations machine at his disposal in the *World-Herald*."

<sup>33</sup> "National Register of Historic Places, Inventory—Nomination Form, Jobbers' Canyon Historic District," September, 1986, item 7, 1-12.

<sup>34</sup> "A Worthy Goal for Landmarks," *Omaha World-Herald*, May 4, 1988, 42.

<sup>35</sup> "New Life for Old Warehouses: Not Always Easy as It Sounds," *Omaha World-Herald*, Jan. 30, 1988, 10.

<sup>36</sup> Robert Walters, "City's Lost Heritage," *Ludington Daily News*, Dec. 13, 1988. Also see the following articles for more national coverage: William Rusher, "Bargaining Away a Heritage," *Bridgeport Telegram*, Dec. 7, 1988; Larry Fruhling, "ConAgra Campus to Replace Omaha's Jobbers Canyon," *Des Moines Register*, Jan. 10, 1988, 1G; "Historic District at Issue in Omaha," *New York Times*, Dec. 13, 1987; "Spiffing Up the Urban Heritage," *Time*, Nov. 23, 1987, 83.

<sup>37</sup> Fruhling, "ConAgra Campus to Replace Omaha's Jobbers Canyon," 2G.

<sup>38</sup> Doug House, to George Haecker, Mar. 7, 1988, DCHS Archive, Jobbers Canyon-BVH file.

<sup>39</sup> George Haecker, "Damage from Riverfront Plan Outweighs Benefit," *Omaha World-Herald*, Mar. 7, 1988, 7. This letter was reprinted in *Preservation News* (May 1988), and quoted in newspapers around the country.

<sup>40</sup> "Editorial," *AIA Communique* (April 1988), DCHS Archive, Jobbers Canyon-BVH file.

<sup>41</sup> Deb Peterson, to George Haecker, Mar. 11, 1988. DCHS Archive, Jobbers Canyon-BVH file.

<sup>42</sup> Kevin Collison, "Warehouses Occupied Under Repair Landmarks: Put Canyon in ConAgra Plan," *Omaha World-Herald*, Aug. 27, 1987, 15.

<sup>43</sup> Leonard Sommer, president, Landmarks Inc., to Landmarks Inc. supporters, Oct. 19, 1987, DCHS Archive, Jobbers Canyon-BVH file. Landmarks Inc. records, located at the Scottish Rite Masonic Center, Omaha, Nebraska (hereafter LMI Archive), contain several documents pertaining to the proposed "Celebrate the Canyon" event, including a grant application to the American Express Philanthropic Program, project budget, mock press release and event descriptions.

<sup>44</sup> "Group Gives Tours in Effort to Save Jobbers Canyon," *Omaha World-Herald*, Mar. 20, 1988, 11B. The DCHS Archive Jobbers Canyon file contains a flyer promoting the event, but for March 12.

<sup>45</sup> James Hanson, NSHPO, to Bernie Simon, mayor of Omaha, Oct. 8, 1987. Copies of letter held at SHPO Archive; DCHS Archive, Jobbers Canyon-BVH file.

<sup>46</sup> Bernie Simon, mayor of Omaha, to James Hanson, NSHPO, Nov. 16, 1987. Copies of letter held at SHPO Archive; DCHS Archive, Jobbers Canyon-BVH file.

<sup>47</sup> "Section 106 Regulations Summary," <http://www.achp.gov/106summary.html>, accessed Jan. 26, 2011.

<sup>48</sup> James Hanson, NSHPO, to Robert Fink, chief, Western Division of Project Review, Jan. 7, 1988. Copies of letter held at SHPO Archive; DCHS Archive, Jobbers Canyon-BVH file.

<sup>49</sup> Robert Fink, chief, Western Division of Project Review, to Roger Massey, manager, U.S. Department of Housing and Urban Development, Omaha Office, Region VII, Jan. 28, 1988. Copies of letter held at SHPO Archive; DCHS Archive, Jobbers Canyon-BVH file.

<sup>50</sup> "Preservation Board to Study Riverfront," *Omaha World-Herald*, Feb. 4, 1988.

<sup>51</sup> Michael Fenner, chairman, Landmarks Heritage Preservation Commission, to Bernie Simon, mayor, City of Omaha, Oct. 14, 1987. Copies of letter held at LMI Archive; SHPO Archive.

<sup>52</sup> Michael Wiese, executive director, Omaha Development Foundation, to Michael Fenner, chairman, Landmarks Heritage Preservation Commission, Oct. 20, 1987, SHPO Archive.

<sup>53</sup> Lynn Meyer, to Landmarks Heritage Preservation Commission, Mar. 1, 1988, DCHS Archive, Jobbers Canyon-BVH file. Document is a memo revisiting Meyer's conversation with Robert Fink earlier that day.

<sup>54</sup> Kevin Collison, "ConAgra Is Offered 240 Acres in Lincoln," *Omaha World-Herald*, Aug. 20, 1987, 1. Also see: Henry Cordes, "ConAgra Biased Toward Omaha, Harper Says," *Omaha World-Herald*, Sept. 22, 1987, 13; Kevin Collison, "Omaha is Wooing Overtime After Lincoln's ConAgra Offer," *Omaha World-Herald*, Aug. 21, 1987, 13. Harper tipped his hand on which city he preferred. During a September luncheon of the Nebraska Council on Economic Education, Harper told the crowd, including Lincoln Mayor Bill Harris, "Never say never, but I don't want to mislead you . . . Our bias is toward Omaha." Harper went on to say that the company had 670 employees that were settled and did not want to be uprooted. Despite this, Harper publicly held that the Lincoln and other metro-area locations were viable options if the company's requirements for Central Park East were not met.

<sup>55</sup> "3 Councilmen Discussed Fears with Harper," *Omaha World-Herald*, Mar. 20, 1988, 11B; Bunger Interview, Oct. 11, 2010.

<sup>56</sup> "Decision May Cost U.P. in Tax Credits," *Omaha World-Herald*, Jan. 26, 1988; Bunger Interview, Oct. 11, 2010.

<sup>57</sup> Kevin Collison, "Negotiations on for Warehouses in Riverfront Site," *Omaha World-Herald*, Sept. 28, 1987, 13. Also see: Kevin Collison "ConAgra Sets Jan. 4 Riverfront Deadline," *Omaha World-Herald*, Dec. 9, 1987, 1.

<sup>58</sup> Bunger Interview, Oct. 11, 2010. According to Bunger, the tavern owner would not accept the original and subsequent offers because his business was small while the others were wealthy. This prompted the rest of the owners to chip in

money and pay this gentleman off. There was a formula to divide the proceeds.

<sup>59</sup> David Beeder, "Simon: Law 'Quirk' Saved ConAgra Plan," *Omaha World-Herald*, Jan. 24, 1988, 1B. Also see: Kevin Collison, "Jobbers Canyon Pact is Achieved," *Omaha World-Herald*, Jan. 5, 1988, 1.

<sup>60</sup> Kevin Collison, "ConAgra Drops Anchor at Omaha's Riverfront," *Omaha World-Herald*, Jan. 5, 1988, 1.

<sup>61</sup> "ConAgra Picks Riverfront; decision called important to city development," *Profile: Greater Omaha Chamber of Commerce*, Jan. 15, 1988, 1.

<sup>62</sup> City of Omaha Planning Department, *The Riverfront Redevelopment Plan*, Jan. 11, 1988, 9. Copies of report held at LMI Archive; DCHS Archive, Jobbers Canyon-BVH file. The stated objectives of the plan were: "The provisions of a unique and important public park for Omaha's residents, created by completing the Central Park Mall and connecting it to a riverfront park and lake; the retention or expansion of a major corporate headquarters and product development facility in Downtown Omaha; the creation of the maximum number of jobs and greatest possible expansion of Omaha's economy from a corporate headquarter project; the development of additional private office and hotel facilities in order to create a self-sustaining development market in Downtown; and the preservation of Downtown Omaha as a major regional employment and activity center for the metropolitan area" (pp. 1 - 2).

<sup>63</sup> Kevin Collison, "Board Opposes Riverfront Plan," *Omaha World-Herald*, Jan. 22, 1988, 13.

<sup>64</sup> Kevin Collison and Jim Burnett, "Vote Paves Way for Summer Start on Riverfront," *Omaha World-Herald*, Feb. 3, 1988, 1.

<sup>65</sup> Kevin Collison, "Opponents Say Riverfront Pact too Pro-ConAgra," *Omaha World-Herald*, Mar. 9, 1988, 17.

<sup>66</sup> *Redevelopment agreement in connection with the riverfront development plan*, Omaha City Ordinance 31457. This agreement provides the riverfront plan development obligations for the City of Omaha, Douglas County, the Peter Kiewit Foundation, the Omaha Development Foundation, and ConAgra.

<sup>67</sup> Leonard Sommer, "Landmarks Favors Compromise," *Omaha World-Herald*, Jan. 17, 1988, 23A.

<sup>68</sup> Leonard Sommer, to Annette Huff, Feb. 9, 2011, LMI Archive.

<sup>69</sup> Kevin Collison, "New Group Is Critical of Plan for Riverfront; 5,000 Letters Go Out," *Omaha World-Herald*, Feb. 25, 1988, 17. Also see: "Himes: Group Backs Landmarks Work," *Omaha World-Herald*, Feb. 26, 1988, 16. In the later article, Himes takes a softened approach toward Landmarks, stating that they supported each other, but had different focuses. He said that LMI is a preservationist group, while PROUD had several architects and planners, and so was working to develop an alternative to current riverfront plan. Himes probably did this to portray a unified preservationist community.

<sup>70</sup> PROUD, to the Citizens of Omaha, DCHS Archive, Jobbers Canon file.

<sup>71</sup> Kevin Collison, "Opponents Say Riverfront Pact Too Pro-ConAgra," *Omaha World-Herald*, Mar. 9, 1988, 17. The proposed county park did not allow public access around the entire lake. A large portion of the lakeside would be limited to ConAgra use.

<sup>72</sup> Kevin Collison, "Riverfront Plans Given Final OK Despite Hot Objections at Hearing," *Omaha World-Herald*, Mar. 30, 1988, 17.

<sup>73</sup> Ree Schonlau, executive director, Bemis Foundation, to All Board Members of Landmarks, May 2, 1988, DCHS Archive, Jobbers Canyon-BVH file.

<sup>74</sup> Charles Robbins, "Landmarks Inc. Joins Riverfront Lawsuit," *Omaha World-Herald*, May 6, 1988. Also see: Leonard Sommer, to Ree Schonlau, May 10, 1988, DCHS Archive, Jobbers Canyon-BVH file; Leonard Sommer, to *Omaha World-Herald*, Editorial Page, April 1, 1988, LMI Archive. Sommer submitted another editorial for the *World-Herald's* "Another Point of View" section, which was much more critical of ConAgra's plan, perhaps indicating a push from within Landmarks to do more. It does not appear that the letter was actually published.

<sup>75</sup> White, "Lessons from the Loss of Omaha's Jobbers Canyon," 9.

<sup>76</sup> *North Western Reporter, Second Series* 459, 222. A writ of mandamus is issued to require a public official to perform his or her duties.

<sup>77</sup> "Landmarks Preservation Awards To Go to Owners of 6 Buildings," *Omaha World-Herald*, June 13, 1987. The American Indian Center had also made efforts to renovate the old Mason School building. See: Kevin Collison and Rudy Smith, "Renovation to Turn School Into Apartments," *Omaha World-Herald*, Sept. 15, 1987.

<sup>78</sup> "Indian Group Files Lawsuit To Block Riverfront Plan," *Omaha World-Herald*, May 4, 1988; Cindy Gonzalez and Robert Paskach, "Signatures Launch Riverfront Plan," *Omaha World-Herald*, May 4, 1988. For information on the financial struggles of the center, see: Kirby Moss, "Eight Omaha Employees Lose Jobs Indian Center Regroups After Contracts Lost," *Omaha World-Herald*, Aug. 1, 1988.

<sup>79</sup> Plaintiffs charged that the defendant violated NEPA by failing to prepare an Environmental Assessment or an Environmental Impact Statement.

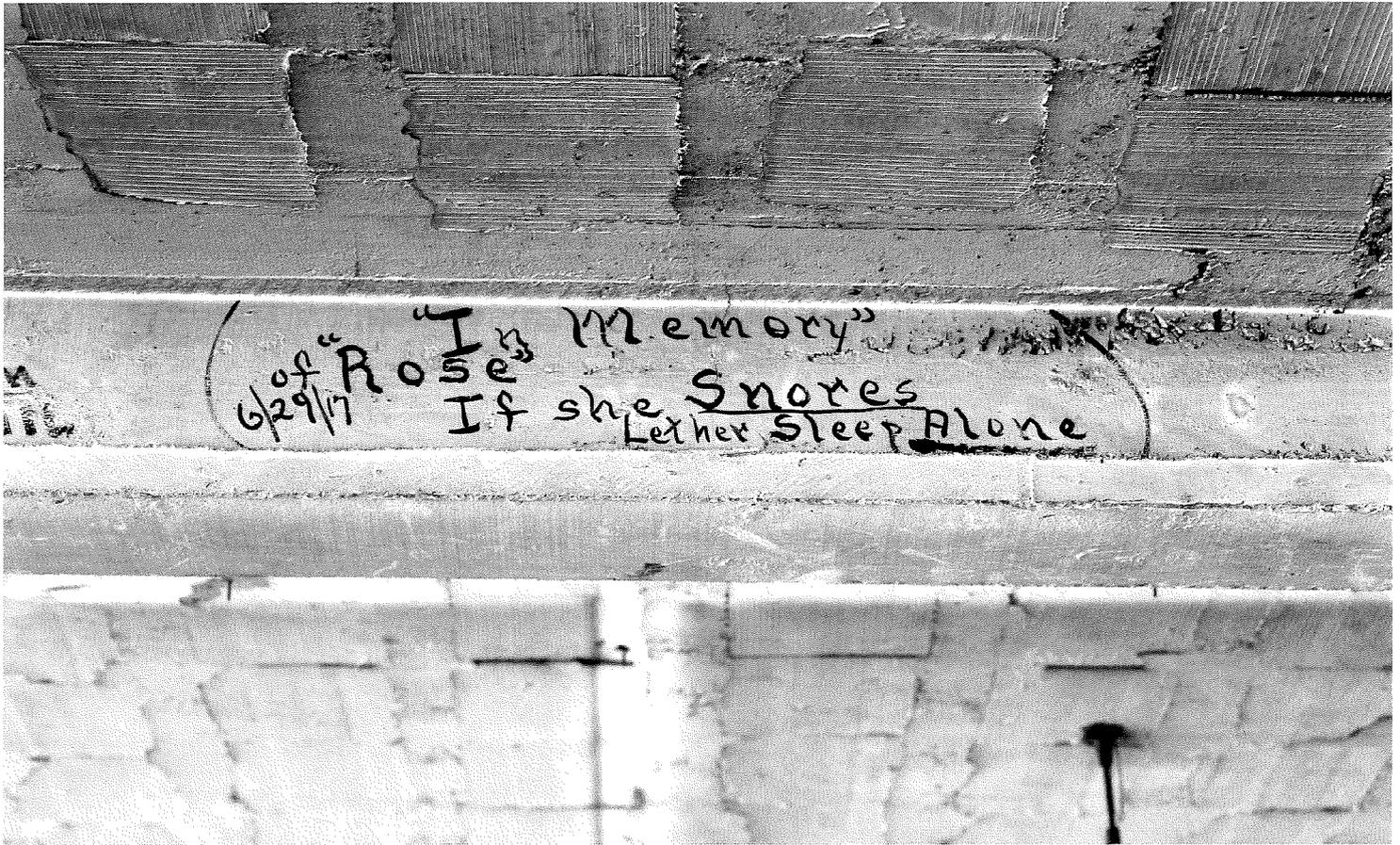
<sup>80</sup> People for Responsible Omaha Urban Development, et al., vs. Interstate Commerce Commission et al., CV88-0-241, *Plaintiffs' Brief in Support of Preliminary Injunction*.

<sup>81</sup> Edward Fogarty, attorney, interview by author, July 26, 2010, Omaha, Nebraska.

<sup>82</sup> Clint Highfill, "Urbom Pledges Prompt Ruling; Demolition Set," *Omaha World-Herald*, April 12, 1988, 1.

<sup>83</sup> People for Responsible Omaha Urban Development, et al., vs. Interstate Commerce Commission et al., CV88-0-241, *Memorandum and Order on Motions for Temporary Restraining Order and Preliminary Injunction*, April 13, 1988.

<sup>84</sup> David Thompson, "Architect Decries Loss of Buildings in 'Canyon,'" *Omaha World-Herald*, Dec. 6, 1988, 17.



**Graffiti on the ceiling of the Lee-Coit Andreesen Hardware Company Building, 815 Harney Street. The building was only a year old when the unknown worker inscribed his tribute to the snoring Rose.**

<sup>85</sup> People for Responsible Omaha Urban Development, et al., vs. Interstate Commerce Commission et al., CV88-0-247, *Magistrates Findings and Recommendations* (July 28, 1988); People for Responsible Omaha Urban Development, et al., vs. Interstate Commerce Commission et al., CV88-0-247, *Findings and Recommendations* (Jan. 20, 1989).

<sup>86</sup> People for Responsible Omaha Urban Development, et al., vs. Interstate Commerce et al., 89-1342NE, *Temporary Stay of Demolition by Court of Appeals* (March 1, 1989). Parts of the John Deere and Omaha Cold Storage buildings remained, but were too far gone to be saved and were not mentioned in the injunction.

<sup>87</sup> Fogarty Interview, July 26, 2010.

<sup>88</sup> People for Responsible Omaha Urban Development, et al., vs. Interstate Commerce Commission et al., No. 89-1342 (Eighth Cir. 1989). The Eighth Circuit Court of Appeals distinguished the county park to be a separate project from the Jobbers Canyon project, thereby nullifying PROUD's allegations. The court states: "Appellants do not allege that any of the named federal agencies has licensed or funded any part of the Jobbers Canyon project. Instead, they argue they each gave or should have given approval to actions

related to the project. The required approvals that appellants refer to, however, all relate to the development of Central Park East, which is a separate, county-sponsored project." Also see: David Thompson, "Court Out of Way; Jobbers Clear in 45 Days," *Omaha World-Herald*, June 13, 1989, 1.

<sup>89</sup> David Thompson, "Jobbers Canyon Fight Resurrected," *Omaha World-Herald*, April 19, 1990, 17.

<sup>90</sup> See: People for Responsible Omaha Urban Development, et al., vs. Interstate Commerce Commission et al., 89-1530 (US Sup. Ct. 1989).

<sup>91</sup> <http://www.selectgreateromaha.com/Greater-Omaha-Development-Downtown-Development.aspx>, accessed May 12, 2011. Forty thousand are employed downtown and 46,000 in midtown.

