

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JULY 23, 2012 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Hornung; Council Members: Camp, Carroll, Cook, Emery, Eskridge, Schimek; City Clerk, Joan E. Ross.

Council Chair Hornung announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of July 16, 2012 reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

**RECOGNITION**

Council Chair Hornung recognized and welcomed a scout from Troop 56 who is working on a merit badge.

**PUBLIC HEARING**

APPLICATION OF RICHMOND ROLLINS LLC DBA BARRY'S - THE HUSKER BAR FOR A CLASS CK LIQUOR LICENSE AT 235 NORTH 9TH STREET;

MANAGER APPLICATION OF LOU MARY WEBB FOR RICHMOND ROLLINS LLC DBA BARRY'S - THE HUSKER BAR AT 235 NORTH 9TH STREET - Kevin Duffy, 1823 Belmont Rd, Washington D.C., came forward to take the oath and answer questions. Barry's opened in 1959 and is a local icon. The front bar remains the same, as everyone remembers it. The back area is divided into two areas. One is a nightclub for dancing and private parties. The other small area includes an ice-top bar. A rooftop bar is tentatively planned for August 15<sup>th</sup>. Mr. Duffy brings experience from an establishment he and his business partner own in Columbia, Missouri. They hope to repeat their success here in Lincoln.

Lou Mary Webb, 7401 Wren Circle, came forward to take the oath and answer questions.

This matter was taken under advisement.

APPLICATION OF KHANH DINH DBA LI LI CAFÉ FOR A CLASS A LIQUOR LICENSE AT 3111 O STREET, SUITE D - Khanh Dinh, 550 N. 26<sup>th</sup> Street, came forward to take the oath and answer questions. Café Li Li will have karaoke and dancing.

This matter was taken under advisement.

APPLICATION OF KURT AND KRISTINE KONTOR DBA THE UNDERGROUND FOR A CLASS C LIQUOR LICENSE AT 3233 1/2 SOUTH 13TH STREET - Kurt Kontor, 8342 Ryley Lane, came forward to take the oath and answer questions. The Underground will be located in Indian Village and will occupy the space formerly called the Speakeasy. This will be a neighborhood bar with a limited menu and live music on some weekends.

Kristine Kontor, 8342 Ryley Lane, came forward to take the oath and answer questions.

This matter was taken under advisement.

APPLICATION OF SAM'S WEST, INC. DBA SAM'S CLUB #4873 FOR A CLASS D LIQUOR LICENSE AT 8480 ANDERMATT DRIVE;

MANAGER APPLICATION OF JONATHAN W. ROWE FOR SAM'S WEST DBA SAM'S CLUB #4873 AT 8480 ANDERMATT DRIVE - Jonathan W. Rowe, 21851 Hilltop Ave., Gretna, came forward to take the oath and answer questions. Sam's Club will open August 29<sup>th</sup>. In answer to Council questions, Mr. Rowe stated that Sam's Club stores are not necessarily located near Wal-Mart stores. They have very little interaction with Wal-Mart in terms of business and product. This location will be 136,000 square feet.

Council Member Jon Camp asked what influence or communication Mr. Rowe has with Wal-Mart at the corporate level. Based on citizen reaction, Mr. Camp has concerns with the proposed Wal-Mart store located at 27<sup>th</sup> and Grainger Streets.

Council Member DiAnna Schimek also expressed concern over the new Wal-Mart location and stated that she is considering voting against the liquor license for Sam's because she would like to see more consideration on the part of Wal-Mart concerning location.

Council Chair Hornung asked questions about Wal-Mart corporate structure. Mr. Rowe replied that the only person that he answers to that works directly for Wal-Mart is President/CEO Mike Duke, but directly under him is the CEO of Sam's Club, Rosalind Brewer; there is very little crossover in upper management until you get to the very top. Companywide, there are two million employees.

Mr. Camp stated that Wal-Mart and Sam's have been good citizens in Lincoln. Wal-Mart is doing nothing wrong, but there are practical considerations in respect to the neighborhood and the difficult feelings of citizens.

This matter was taken under advisement.

**REGULAR MEETING**

**July 23, 2012**

**Page 190**

VACATION NO. 12003 - VACATING THE NORTH-SOUTH ALLEY LOCATED ONE-HALF BLOCK WEST OF SOUTH 52ND STREET BETWEEN PRESCOTT AVENUE AND COOPER AVENUE - Tim Gergen, Olsson Associates, came forward as representative for Union College. They seek this alley vacation to accommodate an expanded advent center and possible future student housing on their campus.

This matter was taken under advisement.

AMENDING THE ANTELOPE VILLAGE REDEVELOPMENT AGREEMENT TO REFLECT CURRENT CONDITIONS AND IDENTIFY 2011 AS THE BASE YEAR - David Landis, Director of Urban Development, came forward to state that this request is being made to set 2011 as the base year and make 2012 the first operative year for this project, as allowed by State legislation. Originally this project came about under a very constrained timeline and involved an intricate arrangement involving Matt Talbot Kitchen, Assurity and NeighborWorks. At that point, NeighborWorks wanted a large-scale office building as a permanent home. The City was to have access to parking and a conference room as part of that arrangement. In the intervening time, NeighborWorks has decided it would be better to refurbish an old home in the neighborhood to use as office space. The City finds this acceptable since it meets the objective of positive community development. Reductions have been made in the building and TIF amounts to reflect the changes that have occurred since the inception of this project. The original agreement was for 8.2 million dollars of building and \$636,000.00 of tax increment financing. This will now be 5.4 million dollars of building, and \$482,000 of TIF. In answer to Council questions, Mr. Landis explained that the Amendment includes provisions for the City to use the new conference room at Neighborworks, as originally agreed.

Michael Renken, Executive Director of NeighborWorks Lincoln, came forward to state that all six of the townhomes built during Phase 1 are sold and five are occupied. Phase 2 is for an additional six units; however, due to the overwhelming success of this project and the fact that offers have been made on four of the new properties even before they are built, Mr. Renken will seek the approval of his Board to build twelve units during Phase 2. Currently there are no plans for the lot where the office building was intended to go. It is hoped that the area will become a green space, possibly a community garden or orchard. The new office will have a meeting/training room which will be made available to neighborhood and community organizations, as well as to the City.

Council Member Jon Camp asked for clarification of dollar amounts associated with this project. Mr. Renken reported that the first six townhomes sold for a total of approximately \$864,000.00; two for \$122,000.00, two for \$144,000.00 and two for \$166,000.00. The prices for the Phase 2 units will be \$5,000.00 more per unit.

Andrew Willis, Cline, Williams, Wright, Johnson & Oldfather, L.L.P., came forward to state that the \$864,000.00 valuation of the TIF is based on the purchase price of the homes in Phase 1, which is less than the construction costs. Phase 2 may include twelve units, so it would be approximately 1.7 million. Roughly speaking, the \$864,000.00 in value on each of the second and third increments of 6 townhome units is speculated to generate \$166,000.00.

Mr. Renken estimated that a townhome that sells for \$166,000.00 costs approximately \$200,000.00 to build. The TIF money goes to subsidize the cost of the neighborhood rejuvenation and is allowing them to put the units into the marketplace at a price less than what it costs them to build.

This matter was taken under advisement.

MISC. NO. 12006 - DECLARING THE HOLDREGE/IDYLVILD REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD IN AN ESTIMATED 7 ACRES GENERALLY BETWEEN NORTH 34TH AND NORTH 37TH STREET, FROM HOLDREGE STREET SOUTH TO APPLE STREET - David Landis, Director of Urban Development, came forward to state that this is the first of three steps that will come before City Council for decision making about redevelopment in this area. The blight designation is based on findings by Hanna:Keelan Associates, P.C. and includes seven acres, half of which are City right-of-way, and nine structures. In addition to the removal of dilapidated buildings and improvements to infrastructure, there will be some ancillary benefits for the neighborhood, such as office and retail space. The neighborhood has been heavily involved and is here today with a letter of endorsement.

Ann Bleed, President of the East Campus Community Organization, came forward strongly in favor of this issue. The developers have been very responsive to the ideas and concerns of the neighborhood. At two neighborhood meetings, both of which had attendance of over forty people, support for this project was overwhelming. The mix use development would be within walking distance of East Campus and the residential neighborhood for easy access by students, faculty, and residents. The current buildings and public right-of-way are in disrepair. It would not be easy to redevelop this area one piece at a time.

Council Member Camp asked about any potential facilities available for use by a local private autism school, since the area is so close to the Barkley Center.

Ms. Bleed replied that the Warren United Methodist Church is combining with other congregations. They are amenable to renting their building during the week, with the potential of selling in the future. The church is located on a tree-lined residential street and has 5 classrooms, a social hall and nearby parking in addition to the worship center.

This matter was taken under advisement.

## COUNCIL ACTION

## REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JULY 9, 2012 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

## PETITIONS &amp; COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 13, 2012 AT 3:00 P.M. FOR THE APPLICATION OF ZIPLINE BREWING CO. DBA ZIPLINE BREWING CO. FOR A CLASS L LIQUOR LICENSE LOCATED AT 2100 MAGNUM CIRCLE, SUITE 1 - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86916 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 13, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Zipline Brewing Co. dba Zipline Brewing Co., Class L liquor license located at 2100 Magnum Circle, Suite 1.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, AUGUST 13, 2012 AT 3:00 P.M. FOR THE APPLICATION OF STL OF NEBRASKA INC. DBA TARGET STORE T-0879 FOR A CLASS DK LIQUOR LICENSE LOCATED AT 5330 SOUTH 56TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86917 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 23, 2012, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of STL of Nebraska Inc. dba Target Store T - 0879, Class DK liquor license located at 5330 S. 56th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

INFORMAL PETITION TO CREATE A PAVING DISTRICT ON WEST NANCE AVENUE BETWEEN NW 8TH AND NW 9TH STREETS SUBMITTED BY HEATHER NUNN - CLERK presented said petition which was referred to the Public Works Dept. on July 11, 2012.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Waiver No. 12011 approved by the Planning Director on July 10, 2012, requested by Orange Development, Inc., for a waiver to allow the parking plan which includes 13 stalls that do not conform to all applicable design standards. This waiver is only effective for one year from the date of approval, after which time, all parking on this site must conform to the design standards. This waiver is a temporary measure during the construction of the new store on site. The property is generally located at S. 48th St. and Van Dorn St.

Waiver No. 11015 to Final Plat No. 04071, Stone Bridge Creek 8th Addition, approved by the Planning Director on July 16, 2012, requested by Engineering Design Consultants, for a waiver to extend the time for two years to install landscape screen, ornamental lighting, sidewalks, pedestrian way sidewalks, street name signs and street paving, as agreed upon in the Settlement Agreement approved May 21, 2012. The improvements shall be completed by July 16, 2014. Property is generally located at S. 14th St. and Humphrey Ave.

Waiver No. 12002 to Final Plat No. 04037, Stone Bridge Creek 5th Addition, approved by the Planning Director on July 16, 2012, requested by Engineering Design Consultants, for a waiver to install sidewalks, as agreed upon in the Settlement Agreement approved May 21, 2012. The improvements shall be completed by July 16, 2014. Property is generally located at Redstone Rd. and Humphrey Ave.

Administrative Amendment No. 12031 to Use Permit No. 53, Russwood, approved by the Planning Director on July 16, 2012, requested by Inmotion Auto Care, Inc., to change the floor area for Lot 2 from 8,200 square feet to 9,500 square feet and to change the unassigned square feet from 7,300 to 6,000, on property generally located at Russwood Pkwy. and O St.

**REGULAR MEETING**

**July 23, 2012**

**Page 192**

**REFERRALS TO THE PLANNING DEPARTMENT:**

Change of Zone No. 12018 - Requested by Olsson Associates, Holdrege/Idylwild Redevelopment Planned Unit Development, for a change of zone from B-1 Local Business, R-6 Residential District and R-5 Residential District to B-1 Local Business District PUD, on property legally described Lots 1-5, Lots 13-16, and a portion of the east-west alley, Block 1, Idylwild Place; Lot 3, Idylwild Place 1st Addition; Lots 1-4, Paine's Subdivision and a portion of N. 35th Street right-of-way; from R-2 Residential District to R-2 Residential District PUD, legally described as Lots 5 and 6, Block 1, Woods Bros. University Addition; and from R-6 Residential District to R-6 Residential District PUD, legally described as Lots 1-4, Block 1, Woods Bros. University Place Addition, Lot 48, University Park and a portion of Lot 46, University Park; all located in the NE 1/4 of Section 19-10-7, Lancaster County, Nebraska, generally located at N. 35th Street and Holdrege Street; for a Planned Unit Development designation of said property; and for approval of a development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow approximately 66,000 square feet of commercial floor area and approximately 40 residential dwelling units.

Change of Zone No. 12022 - Requested by the Director of Planning, amending Section 27.07.030 of the Lincoln Municipal Code to allow any use approved by the Lancaster County Board of Commissioners by the granting of an amusement license for such use as a permitted conditional use in the AG Agriculture District, provided said conditional use is limited to one event per calendar year; and repealing Section 27.07.030 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 12028 - Requested by Olsson Associates, 112TH Street Homeowners Association Community Unit Plan, for up to six dwelling units on approximately 49.5 acres of land, with waivers to storm water detention, block length, lot frontage, maximum allowed density, setbacks, and minimum lot area, on property legally described as Lots 19, 23, 28, 35, 39, 41, and 49 I.T., all in the SE 1/4 of Section 25-10-7, Lancaster County, Nebraska, generally located one-half mile south of O Street on the west side of South 112th Street. The Planning Commission action is final action, unless appealed to the City Council.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS**

APPLICATION OF RICHMOND ROLLINS LLC DBA BARRY'S - THE HUSKER BAR FOR A CLASS CK LIQUOR LICENSE AT 235 NORTH 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86918 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Richmond Rollins LLC dba Barry's - The Husker Bar for a Class "CK" liquor license at 235 North 9th Street, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that the premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Cook and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MANAGER APPLICATION OF LOU MARY WEBB FOR RICHMOND ROLLINS LLC DBA BARRY'S - THE HUSKER BAR AT 235 NORTH 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86919 WHEREAS, Richmond Rollins LLC dba Barry's - The Husker Bar located at 235 North 9th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Lou Mary Webb be named manager; WHEREAS, Lou Mary Webb appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Lou Mary Webb be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Cook and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF KHANH DINH DBA LI LI CAFÉ FOR A CLASS A LIQUOR LICENSE AT 3111 O STREET, SUITE D - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86920 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Khanh Dinh dba Li Li Café for a Class "A" liquor license at 3111 O Street, Suite D, Lincoln, Nebraska, for the license period ending April 30, 2013, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Hornung and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPLICATION OF KURT AND KRISTINE KONTOR DBA THE UNDERGROUND FOR A CLASS C LIQUOR LICENSE AT 3233 1/2 SOUTH 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86921 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Kurt and Kristine Kontor dba The Underground for a Class "C" liquor license at 3233 1/2 South 13th Street, Lincoln, Nebraska, for the license period ending October 31, 2012, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Emery and carried by the following vote: AYES: Camp, Emery, Eskridge, Hornung; NAYS: Carroll, Cook, Schimek.

APPLICATION OF SAM'S WEST, INC. DBA SAM'S CLUB #4873 FOR A CLASS D LIQUOR LICENSE AT 8480 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-86922 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, pertinent City ordinances, and the following:

a. If the applicant is of a class of person to whom no license can be issued.

b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.

c. If the issuance of the license would be compatible with the nature of the neighborhood or community.

d. If existing licenses with similar privileges adequately serve the area.

e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.

f. If there is an adequate number of existing law enforcement officers in the area.

g. If there are zoning and/or distance restrictions that prevent the issuance of a license.

h. If there are sanitation and/or sanitary conditions on or about the area.

i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Sam's West, Inc. dba Sam's Club #4873 for a Class "D" liquor license at 8480 Andermatt Drive, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.

b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.

c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.

d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Schimek and carried by the following vote: AYES: Camp, Cook, Emery, Eskridge, Schimek; NAYS: Carroll, Hornung.

**REGULAR MEETING**

**July 23, 2012**

**Page 194**

MANAGER APPLICATION OF JONATHAN W. ROWE FOR SAM'S WEST DBA SAM'S CLUB #4873 AT 8480 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-86923 WHEREAS, Sam's West, Inc. dba Sam's Club #4873 located at 8480 Andermatt Drive, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jonathan W. Rowe be named manager;

WHEREAS, Jonathan W. Rowe appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jonathan W. Rowe be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Schimek and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

VACATION NO. 12003 - VACATING THE NORTH-SOUTH ALLEY LOCATED ONE-HALF BLOCK WEST OF SOUTH 52ND STREET BETWEEN PRESCOTT AVENUE AND COOPER AVENUE - CLERK read an ordinance, introduced by Doug Emery, vacating the alley located one-half block west of South 52<sup>nd</sup> Street between Prescott Avenue and Cooper Avenue within the Union College campus, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

**PUBLIC HEARING - RESOLUTIONS**

APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN AND PINNACLE BANK FOR ADVERTISING ON ELECTRONIC SIGNS AT PERSHING MUNICIPAL AUDITORIUM FOR A TWO YEAR TERM - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86924 WHEREAS, the City of Lincoln owns and operates Pershing Municipal Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska; and WHEREAS, two exterior animated programmable electronic message systems, one interior animated programmable electronic message system, a four-sided scoreboard in the main arena, and lobby signage are located at said auditorium; and

WHEREAS, Pinnacle Bank, 1401 N Street, Lincoln, NE 68508, wishes to acquire the right to display advertisements on said message systems and the City is willing to grant certain advertising rights to Pinnacle Bank.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Advertising Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln dba Pershing Municipal Auditorium and Pinnacle Bank, under which Pinnacle Bank is granted certain interior and exterior advertising rights at Pershing Municipal Auditorium for a two-year period upon the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of said Advertising Agreement to Thomas Lorenz, Manager of Pershing Municipal Auditorium, and one fully executed copy to Pinnacle Bank, Attn: Curt Denker, 1401 N Street, Lincoln, NE 68508.

Introduced by Doug Emery

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

AMENDING THE ANTELOPE VILLAGE REDEVELOPMENT AGREEMENT TO REFLECT CURRENT CONDITIONS AND IDENTIFY 2011 AS THE BASE YEAR - PRIOR to reading:

CARROLL Made Motion to Amend #1 to amend Bill No. 12R-163 by accepting Attachment "A" attached hereto to replace Attachment "A" previously provided with Bill No. 12R-163.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86925 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the First Amendment to City of Lincoln Redevelopment Agreement for Antelope Village Project between the City of Lincoln and Neighborhoods, Inc., relating to the redevelopment of property generally located between 23rd and 24th Streets and P and Q Streets, to reflect current conditions and establish January 1, 2012 and January 1, 2014 and January 1 of the year after completion of the Phase Three Redevelopment Improvements as the effective dates for Phase One, Phase Two and Phase Three of the Redevelopment Agreement, respectively, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Wynn Hjermsstad, Urban Development Department, for transmittal to Neighborhoods, Inc.

Introduced by Doug Emery

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

MISC. NO. 12006 - DECLARING THE HOLDREGE/IDYLVILD REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD IN AN ESTIMATED 7 ACRES GENERALLY BETWEEN NORTH 34TH AND NORTH 37TH STREET, FROM HOLDREGE STREET SOUTH TO APPLE STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-86926 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the Holdrege/Idylwild Redevelopment Area, generally between North 34th Street and North 37th Street from Holdrege Street south to Apple Street, as shown and described on Attachment "A" (entitled Holdrege/Idylwild Redevelopment Area Blight and Substandard Determination Study); and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the Holdrege/Idylwild Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on June 15, 2012, notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose of the public hearing to be held on June 27, 2012, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the Holdrege/Idylwild Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on June 27, 2012 recommended that the Holdrege/Idylwild Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said Holdrege/Idylwild Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on July 6, 2012 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on July 23, 2012 regarding the proposed determination that the Holdrege/Idylwild Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on July 6, 2012 and July 13, 2012 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on July 23, 2012 regarding the proposed determination that the Holdrege/Idylwild Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on July 23, 2012 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed determination that the Holdrege/Idylwild Redevelopment Area be declared a blighted and substandard area as defined in the

**REGULAR MEETING**

**July 23, 2012**

**Page 196**

Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed determination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled Holdrege/Idylwild Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the Holdrege/Idylwild Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

3. That it is hereby found and determined that said area is an eligible site for redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

4. That the elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the Holdrege/Idylwild Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Doug Emery

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

**ORDINANCE - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X" TO BE EFFECTIVE AUGUST 11, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 19555, passed by the City Council on June 13, 2011, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19743**, is recorded in Ordinance Book #27, Page .

VACATION NO. 12001 - AMENDING ORDINANCE NO. 19729, PASSED BY THE CITY COUNCIL ON JUNE 18, 2012, TO INCLUDE THE METES AND BOUNDS LEGAL DESCRIPTION OF THE VACATED RIGHT-OF-WAYS WHICH WAS INADVERTENTLY NOT ATTACHED TO THE ORDINANCE - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance No. 19729 (Vacation 12001) passed by the City Council on June 18, 2012, vacating a portion of 4<sup>th</sup> Street right-of-way, a portion of R Street right-of-way, a portion of the east/west alley in Blocks 266, 267 and 268, Original Plat of Lincoln, to include the metes and bounds legal description to said Ordinance, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19744**, is recorded in Ordinance Book #27, Page .

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND EXPERIENCE WORKS AT 1010 N STREET, FOR JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT, FOR A TERM OF JULY 1, 2012 THROUGH JUNE 30, 2013 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the Sublease Agreement between the City of Lincoln and Experience Works for the sublease of office space to Experience Works at the One Stop Career Center, 1010 N Street, Lincoln, Nebraska, to provide job training and employment services under the Workforce Investment Act, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered **#19745**, is recorded in Ordinance Book #27, Page .

APPROVING A REAL ESTATES SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE HOUSING AUTHORITY OF THE CITY OF LINCOLN FOR THE SALE OF BLIGHTED AND SUBSTANDARD PROPERTY GENERALLY LOCATED AT 2948 STARR STREET FOR THE NORTHEAST HIGH SCHOOL BUILD PROGRAM - CLERK read an ordinance, introduced by Jonathan Cook, approving the Real Estate Sales Agreement between the City of Lincoln and the Housing Authority of the City of Lincoln authorizing the sale of surplus property generally located at 2948 Starr Street, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered #19746, is recorded in Ordinance Book #27, Page .

CHANGE OF ZONE NO. 12003 - AMENDING ORDINANCE NO. 19713, PASSED BY THE CITY COUNCIL ON MAY 21, 2012, TO CORRECT THE LEGAL DESCRIPTION PROVIDED FOR CHANGE OF ZONE NO. 12003 FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED IN WEST HAYMARKET FROM NORTH 1ST STREET TO NORTH 7TH STREET AND M STREET TO Y STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance No. 19713 (Change of Zone 12003) passed by the City Council on May 21, 2012, for a change of zone from I-1 Industrial District to P Public Use District, to amend Section 1 to correct a Section number in paragraph 1 and a Lot number in paragraph 3 for the property generally located in West Haymarket from North 1<sup>st</sup> Street to North 7<sup>th</sup> Street and M Street to Y Street, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Carroll and carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered #19747, is recorded in Ordinance Book #27, Page .

#### ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)

AMENDING SECTIONS 9.20.050 AND 10.14.460 OF THE LINCOLN MUNICIPAL CODE RELATING TO DISTURBING THE PEACE AND UNNECESSARY NOISE FROM MOTOR VEHICLES, RESPECTIVELY, TO TRANSFER THE REGULATION OF SOURCES OF MUSIC IN PUBLIC STREETS, ALLEYS, OR OTHER PUBLIC PLACES FROM SECTION 9.20.050, DISTURBING THE PEACE, TO SECTION 10.14.460, UNNECESSARY NOISE FROM MOTOR VEHICLES, TO AMEND THE PENALTY FOR VIOLATION OF SECTION 9.20.050 TO CORRESPOND TO STATE STATUTE AND TO SPECIFY THE PENALTY FOR VIOLATION OF SECTION 9.20.050 IN THAT SECTION; AND AMENDING SECTION 9.20.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO MINIMUM PENALTIES TO DELETE A REPETITIOUS REFERENCE TO THE MINIMUM FINE FOR DISTURBING THE PEACE - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 9.20.050 and 10.14.460 of the Lincoln Municipal Code relating to Disturbing the Peace and Unnecessary Noise from Motor Vehicles, respectively, to transfer the regulation of sources of music in public streets, alleys, or other public places from Section 9.20.050, Disturbing the Peace, to Section 10.14.460, Unnecessary Noise From Motor Vehicles, to amend the penalty for violation of Section 9.20.050 to correspond to state statute and to specify the penalty for violation of Section 9.20.050 in that section; amending Section 9.20.100 of the Lincoln Municipal Code relating to minimum penalties to delete a repetitious reference to the minimum fine for disturbing the peace; and repealing Sections 9.20.050, 9.20.100 and 10.14.460 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC DECENCY BY AMENDING SECTION 9.16.030 DEFINING TOXIC COMPOUNDS; AMENDING SECTION 9.16.035 DEFINING PARAPHERNALIA; AMENDING SECTION 9.16.110 RELATING TO THE UNLAWFUL USE OF TOXIC COMPOUNDS TO CLARIFY THAT A TOXIC COMPOUND COULD BE INTRODUCED INTO THE HUMAN SYSTEM BY OTHER MEANS THAN CURRENTLY SET FORTH IN THE SECTIONS; AND AMENDING SECTION 9.16.140 TO MAKE THE PENALTY COMPARABLE WITH STATE STATUTE - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 9.16 of the Lincoln Municipal Code relating to Offenses Against Public Decency by amending Section 9.16.030 defining toxic compounds; amending Section 9.16.035 defining paraphernalia; amending Section 9.16.110 relating to the unlawful use of toxic compounds to clarify that a toxic compound could be introduced into the human system by other means than currently set forth in the sections; amending Section 9.16.140 to make the penalty comparable with state statute; and repealing Sections 9.16.030, 9.16.065, 9.16.100, and 9.16.140 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE FIRST STREET AND HIGHWAY 2 DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN SHARON Y. SCHWARTZ AND MARLYN SCHWARTZ, JEFFREY T. COLSON AND LANETTE COLSON, AND THE CITY OF LINCOLN TO CONDITIONALLY ALLOW THE DEVELOPMENT OF PROPERTY LOCATED AT FIRST STREET AND HIGHWAY 2 (CHENEY) TO BE LIMITED TO MINI-WAREHOUSING SHOULD THE PROPERTY BE RE-ZONED FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT. (RELATED ITEMS: 12R-95, 12-48) (ACTION DATE: 6/4/12) (5/21/12 - P.H. CON'T TO 6/4/12) (6/4/12 - PLACED ON INDEFINITE PENDING) (7/16/12 - REMOVED FROM PENDING TO HAVE P.H. ON 7/30/12 W/ACTION ON 8/6/12) (RELATED ITEMS: 12R-95, 12-48, 12-87) (ACTION DATE: 8/6/12).

**REGULAR MEETING**

**July 23, 2012**

**Page 198**

CHANGE OF ZONE 12005 - APPLICATION OF SHARON SCHWARTZ AND JEFFREY COLSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 2 AND FIRST STREET (CHENEY). (RELATED ITEMS: 12R-95, 12-48) (ACTION DATE: 6/4/12) (5/21/12 - P.H. CON'T TO 6/4/12) (6/4/12 - PLACED ON INDEFINITE PENDING) (7/16/12 - REMOVED FROM PENDING TO HAVE P.H. ON 7/30/12 W/ACTION ON 8/6/12) (RELATED ITEMS: 12R-95, 12-48, 12-87) (ACTION DATE: 8/6/12) - CLERK read the following ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 12019 - APPLICATION OF SHARON Y. SCHWARTZ AND JEFFREY T. COLSON TO REDUCE THE BUILDING LINE DISTRICT FROM A 125 FOOT SETBACK TO A 108 FOOT SETBACK ON PROPERTY GENERALLY LOCATED AT FIRST STREET AND HIGHWAY 2 IN CHENEY. (RELATED ITEMS: 12R-95, 12-48, 12-87) (ACTION DATE: 8/6/12) - CLERK read an ordinance, introduced by Carl Eskridge, to amend the Building Line District Map attached to and made part of Title 27 of Lincoln Municipal Code by reducing the Building Line District on the south side of Highway 2 from 125 feet to 108 feet adjacent to Lot 65, located in the Southeast Quarter of Section 23, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska, generally at First Street and Highway 2, Cheney, Nebraska, the first time.

**RESOLUTIONS - 1<sup>ST</sup> READING - ADVANCE NOTICE**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1 - 15, 2012.

SPECIAL PERMIT 11015A - APPLICATION OF KELLY LANGER TO AMEND THE SPECIAL PERMIT FOR HISTORIC PRESERVATION OF THE FORMER ST. JAMES EVANGELICAL LUTHERAN CHURCH TO ADJUST THE LOT WIDTH AND AREA REQUIREMENTS TO PERMIT TWO-FAMILY USE, ON PROPERTY GENERALLY LOCATED AT 3935 RANDOLPH STREET.

APPROVING AN AMENDMENT TO THE HOLDREGE STREET AND IDYLWILD DRIVE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT TO MODIFY THE PROPERTY RESTRICTIONS REGARDING THE SETBACK ON THE EAST SIDE OF LOT 48, GENERALLY LOCATED AT HOLDREGE STREET AND IDYLWILD DRIVE.

APPROVING AN AMENDMENT TO BID NO. 10-164 FOR THE ANNUAL REQUIREMENTS OF INVENSYS METER PARTS FOR LWS AMR PROGRAM AGREEMENT BETWEEN THE CITY OF LINCOLN AND HD SUPPLY WATERWORKS TO EXTEND THE TERM FOR ONE ADDITIONAL TWO-YEAR TERM FROM AUGUST 1, 2012 THROUGH JULY 31, 2014.

APPROVING AN AMENDMENT TO BID NO. 10-158 FOR THE ANNUAL REQUIREMENTS OF M & H FIRE HYDRANT PARTS AGREEMENT BETWEEN THE CITY OF LINCOLN AND HD SUPPLY WATERWORKS TO EXTEND THE TERM FOR ONE ADDITIONAL TWO-YEAR TERM FROM AUGUST 1, 2012 THROUGH JULY 31, 2014.

**MISCELLANEOUS BUSINESS - NONE**

**OPEN MICROPHONE - NONE**

**ADJOURNMENT 4:10 P.M.**

CAMP Moved to adjourn the City Council meeting of July 23, 2012.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

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Joan E. Ross, City Clerk

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Amy H. Huffman, Senior Office Assistant