

May 25, 2012

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Dear Mayor and Rapid City Council Members:

Within a few weeks three sign code proposals will become the rules by which we will all live for years to come. Collectively thousands of hours have been spent researching, debating and writing proposals that would reflect the mind sight of our community and balance the variety of interests and issues including aesthetics, values, public safety and the desire of billboard companies to utilize the latest technology.

There are two crucial items approved by a majority of the Common Council on May 14<sup>th</sup> that require correction and reconsideration before the proposed ordinances are given final approval.

The 60-second “dwell time” for off-premise digital billboards proposed by Mayor Kooiker and Scenic Rapid City is supported by a growing number of forward thinking communities changing their codes in anticipation of the whirlwind changes in technology. Information supplied to you by Daktronics included sign code ordinances passed years ago by cities unaware of any emerging technology. At the May 14<sup>th</sup> Special Council meeting Some Aldermen referenced a Federal Highway study that recommended an 8-second minimum dwell time. Part of that study was leaked before final conclusions were made and the study has been suspended after an ABC investigative report in which millions of taxpayer dollars were spent sending task force members on an around-the world billboard sight- seeing trip. If and when the study is finalized it will contain old, useless information.

Attached is a current and extensive list of cities and communities that have extended their dwell times as well as communities and states that have banned off-premise billboards.

The City Staff in Janesville, Wisconsin recommends advertisements change in intervals of no less than 30 seconds.

This past January Ottawa conducted a “stake-holders digital signage study” with 185 community associations and residents. When asked, “What do you think of a proposed 6-second dwell time for digital billboard images?”—the overwhelming citizen response was a “3-minute minimum dwell time.”

Increasing the off-premise billboard fee from \$75.00 to at least \$150.00 should also be reconsidered en- light of new information from City Staff that the cost of permitting and adequately enforcing compliance is currently nearly \$150.00 per pole.

The three proposed ordinances are our future. It’s critical they reflect the vision of Rapid City citizens.

Thank you for your consideration .

Scenic Rapid City

CITIES WITH DIGITAL BILLBOARD TIME CHANGE INTERVALS GREATER THAN 8 SECONDS

STATE	CITY	INTERVAL
CO.	GREELY	30 seconds: All new digital Bboards prohibited
CO.	Denver	1 hr
FL.	Alachua(city)	60 seconds
FL	Alachua (county)	½ hr
FL	Apopka	24 hrs
FL	Brandenton	60 seconds
FL	Clearwater	6 hours
FL	Pinellas County	15-60 seconds
FL	Jacksonville	3 minutes (proposed by city planning)
PA	Harrisburg	1 hour
PA	Camp Hill	1 hour
PA	Pittsburgh	10 seconds and prohibits animation
MN	St. Paul	12 seconds
NH	Concord	Prohibits digital on basis of aesthetics and safety
TX	Fort Worth	Digital Bboards prohibited
TX	Austin	Digital Bboards prohibited
TX	Houston	Digital Bboards prohibited
TX	Galveston	Digital Bboards prohibited
TX	El Paso	Digital Bboards prohibited
TX	San Antonio	Digital Bboards prohibited
TX	Amarillo	Digital Bboards prohibited

TX	Dallas	Digital Bboards prohibited
TX	Amarillo	Digital Bboards prohibited
AZ	Gilbert	Digital Bboards prohibited
AZ	Pima County	Moratorium
CA	Los Angeles	Moratorium
CA	San Francisco	Digital Bboards prohibited
FL	Largo	Digital Bboards prohibited
FL	St. Petersburg	Digital Bboards prohibited
GA	Atlanta	Moratorium
MN	Minnetonka	Moratorium
MN	Oakdale	Moratorium
MO	Lake St. Louis	Digital Bboards prohibited
MO	St. Louis	Moratorium
NC	Durham	Digital Bboards prohibited
TN	Knoxville	Digital Bboards prohibited

***STATES THAT PROHIBIT/BAN DIGITAL BILLBOARDS***

***ALASKA***

***HAWAII***

***MAINE***

***MONTANA***

***RHODE ISLAND---Moratorium***

***VERMONT***

***MICHIGAN ---considering Moratorium***

***MINNESOTA---considering Moratorium***

From: Michael Sanborn [mikes@sanbornads.com]  
Sent: Thursday, May 31, 2012 2:53 PM  
To: Petersen Bonny  
Subject: Fwd: New Sign Ordinance Proposals

> Dear Mayor and Alderpersons:

>

> Soon, you will have before you an opportunity to distinguish  
> yourselves as either politicians or statesmen. There comes such a time  
> in every politician's career to make such a decision – to do the right  
> thing or to do the politically popular thing.

>

> I've been watching city politics for many years now, and the 37- page  
> Rapid City sign ordinance is perhaps the greatest example of an  
> abomination born of political cowardice I have ever seen.

>

> So now comes before you Scenic Rapid City and their latest bag of  
> restrictions on private business, by restricting the number of  
> messages on electronic billboards in Rapid City. Debra Jensen, the  
> group's vice president declares that restricting "dwell time" to once  
> every 24 hours is best for the community and advertisers while being  
> revenue neutral. Who made her an expert on the billboard business? The  
> change she suggests will remove 14,399 units per day from the sign  
> company's inventory, or 5,255,635 advertising units per year. Jensen's  
> remarks are among the most outrageous lies I've ever seen presented to  
> a public body. They are born either of malice or ignorance.

>

> I buy radio, television, newspaper and outdoor advertising and have  
> for many, many years.

>

> Have any of you on the council considered that this group, as recently  
> as the last election, initiated measures which changed the existing  
> Rapid City sign ordinance? The voters overwhelmingly approved their  
> changes. Why, if dwell time restrictions were so important, were they  
> not included in the initial initiated measures?

>

> It is time for you, the council, to recognize what is at play here.  
> This group, for whatever reason, does not wish to regulate the  
> billboards in Rapid City. They want to eliminate them and put the  
> billboard companies out of business. What is worse is that the  
> council has been obtuse to the fact that the group is fraught with  
> conflicts of interest, which you as a body, have either chosen to  
> ignore.

>

> Debra Jensen worked for many years in broadcasting in Rapid City, and  
> still has close ties to media outlets that compete with outdoor  
> advertising companies. Lisa Modrick's (president of Scenic Rapid  
> City) husband, makes his living in broadcasting. One of broadcasting's  
> greatest competitors for advertising dollars is outdoor advertising.  
> You might consider why the Rapid City Journal continues to support  
> more and more restrictions on their major competitors. You're smart  
> people. Why would they do that?

>

> Worst of all is Jim Petersen, Chairman of Scenic Rapid City. Each  
> night he lays his head down on the pillow next to the vice president  
> of the council. And yet she does not recuse herself from debate nor

> doe she decline from voting on these matters. And none of you question  
> this outrageous and blatant conflict.  
>  
> So now that the public has spoken in support of Scenic Rapid City's  
> initiated measures, the taste of blood is fresh and they are now going  
> for the jugular. They had their opportunity to make these changes in  
> their earlier initiated measures. They did not. And you, as  
> alderpersons have a responsibility to do the right thing.  
>  
> Imagine how preposterous it would be if someone came to the council  
> and declared in a four-page preamble that the Journal should only be  
> allowed one advertisement per day or that KOTA television and radio  
> stations should be limited to one advertisement per day.  
>  
> Legal and finance should have killed this. They didn't. You have the  
> opportunity to stop this nonsense. A statesman would. A politician  
> would bow to pressure and give them what they want, now matter how  
> many jobs it costs and no matter whose business they put in jeopardy.  
> It is your choice. Take the high road and sleep comfortably knowing  
> you did the right thing. Bow to the pressure and die a cynic with a  
> big funeral.  
>  
> Thank you for your time.  
>  
>  
> Michael Sanborn  
>

**From:** Brendan Casey [brendan@epicoutdoor.com]

**Sent:** Friday, June 01, 2012 1:04 PM

**To:** Kooiker Sam

**Cc:** Wright Jerry; Nordstrom Ritchie; Petersen Bonny; Laurenti Steve; Mason Jordan; Sasso Ron; Davis Dave; Doyle Charity; Brown Gary; Roberts John

**Subject:** Digital hold-times

Mayor Kooiker,

I have it on good authority that the *usual suspects* are flooding the council with misinformation and concocted theory regarding suitable change times for both on and off premise digital advertising. Attached is a list of municipalities hold-times. This is by no means an all encompassing list, however, here are just a few cities throughout the nation for you.

Additionally, Scenic America (and their local franchise, Scenic Rapid) loves to cherry-pick a few municipalities here and there that have passed negative regulation. They disregard or down grade the fact that the vast majority of cities that have looked at digital sign regulations pass regulations in line with the attached.

I'm not sure how pertinent this is, but Scenic America definitely has a stake in what Rapid City is proposing. That video that I'm sure Scenic Rapid City has passed on to you about the billboard ban is currently being circulated to cities nationwide as a "model" by which to ban digital signs and hurt businesses' bottom lines. If on-premise is permitted with animation, their efforts banning signs throughout the U.S. will be stifled.

Mayor Sam, I would like to encourage you to re-think your proposal for 60 second hold times. This recommendation by Scenic Rapid is intended to simply undermine a sign company's ability to make revenue, as are ALL of the recommendations coming from this group. Despite what Mr. Landeen has speculated, there are also significant legal concerns when a governmental body attempts to hyper-regulate legally permitted companies out of business.

It is time to tell this group NO. They individuals in this group are so distant from any legitimate or meaningful economic activity in RC that most of what they propose should be disregarded. Also, Scenic Rapid's aggressive stance, threats, and bullying has already forced this council into making decisions which will have the City of RC in court for years.

Brendan Casey  
Epic Outdoor Advertising  
391-9047

**From:** Brendan Casey [mailto:brendan@epicoutdoor.com]

**Sent:** Monday, June 04, 2012 11:58 AM

**To:** Davis Dave; Doyle Charity; Petersen Bonny; Brown Gary; Laurenti Steve; Mason Jordan; Nordstrom Ritchie; Roberts John; Sasso Ron

**Cc:** Kooiker Sam

**Subject:** RCMC 15.28; proposed changes

Councilmembers,

At some point during Alan Hanks regime as a councilman and Mayor, it became chic' and acceptable to harass sign companies. Over the last decade, the industry has endured stacked sign committees and/or major rewrites of the sign code every 18 months, each time resulting in the sign industry losing significant ground and ability to conduct business. Each code was more regressive and illegal than the next, but yet both Epic and Lamar abided by each version, regardless of what Modrick/Jensen/Petersen contend.

Here is a few quick points I would like to relay prior to your discussions tonight:

- The industry has NEVER been part of the conversation for reasonable reductions or upgrades to the billboard landscape. And no, we do not believe attending committees wherein we are outvoted 10 to 1 creates a legitimate consensus or creates reasonable ordinance.
- Within municipal limits of RC (in the past 8 years, under the present code), there has been 30 billboard locations (60 faces plus) removed, and ZERO (or maybe one; Pankratz?) re-installed. These figures are from RC building inspection, not me. Where is this proliferation of signs?
- The RC sign code [as written] is a ban, in violation of state law. There is NO ability to permit a single sign location under the old or proposed code.
- The initiated measures violate state law on their face, and should have never been allowed on the ballot. (city Attorney Jason Green, under heavy election year pressure from Hanks)
- Collectively, the local sign industry has spent \$2.5 M upgrading, downsizing, and removing obsolete signs in exchange for sign credits, which now have been rendered useless and valueless.
- We contend the "Sign Credit" system was an orchestrated "bait and switch" designed to ultimately steal private property from sign owners, without compensation. We are confident a court will see it as the same.
- If the polarized and obsessed RC sign haters are upset over signs within Box Elder or Meade County, they should relocate to those jurisdictions and bitch to the local authorities there.

I'd like to see someone advocate an abandonment of the existing code, and the formation of an industry driven committee. The committees packed with the usual suspects and sign haters has gotten us into the mess we are in now . . maybe it's our turn to propose some ordinance.

Thanks for your time and efforts.

Brendan Casey  
Epic Outdoor Advertising  
391-9047

**From:** Gary Hamilton [garyh@rushmore.com]  
**Sent:** Monday, June 04, 2012 1:19 PM  
**To:** Petersen Bonny  
**Subject:** Billboards

Dear Bonny,

I will be out of town on business this evening so I will miss the council meeting. I wish that I could speak on the Bill Board issue.

Many years ago we visited the Wisconsin Dells on vacation. On our approach to town I was appalled to see billboards lined up so close together that they appeared to be a continuous sign. It was like walking through a hallway with nothing but posters on the wall. It is just a guess but I believe that there was natural scenery behind the billboards. Of course, the downtown was like Las Vegas. Lights and billboards any direction that you looked. I swore that the citizens of the Black Hills must never allow that to happen here.

Count me in as a supporter for the efforts of the city council and Scenic Rapid City to control the spread of digital billboards and to control the way that they are operated.

Regards,  
Gary Hamilton  
1011 West Blvd.  
Rapid City



**From:** Friends of Rapid City Parks [friendsofrapidcityparks@gmail.com]

**Sent:** Monday, June 04, 2012 12:59 PM

**To:** Brown Gary; Doyle Charity; Laurenti Steve; Nordstrom Ritchie; Davis Dave; Wright Jerry; Mason Jordan; Roberts John; Petersen Bonny; Sasso Ron

**Cc:** Kooiker Sam

**Subject:** Friends of Parks Support Sign Code Revisions

Dear Mayor Kooiker and Members of the Common Council,

Fully one third of our municipal parks lie in the towering shadow or flickering lights of a billboard.

From swings and sliding boards, from gazebos and flower gardens, the view exhorts us to eat, drink, buy, sell, visit and vote.

Friends of Rapid City Parks thinks the view within a municipal park should be framed by trees, clouds and the angles of the swings and slides. Our parks are a legacy for future generations.

That means protecting the visual appeal and serenity of this green space in the midst of our busy and growing community.

For these reasons we support adoption of the recommendations of Scenic Rapid City to amend the existing sign code to:

- Separate off-premise and on-premise provisions in the Code
- Remove the "public purpose" section
- Set a minimum of 60 seconds for duration of off-premise digital messages
- Remove the sign credit reissue section of the code
- Increase the annual off-premise license fee to \$200
- Eliminate the off-premise sign board of appeals

These changes are supported not only by the members of Friends of Rapid City Parks, but by the citizens of Rapid City, who made their choice loud and clear last June.

Thank you for considering our views.

Suzanne Martley

Friends of Rapid City Parks