

## Kooiker Sam

---

**From:** Brendan Casey [brendan@epicoutdoor.com]  
**Sent:** Wednesday, June 06, 2012 3:45 PM  
**To:** Kooiker Sam  
**Cc:** Howard Michael  
**Subject:** Agenda Items

Mayor Sam,

I am hoping you will consider the following two items for the June 18, 2012 city council agenda.

1) Removal of the word "public purpose" from proposed RCMC 15.28.170.

**If the City of RC is now going to change or otherwise breach the terms of our public purpose sign agreement, should Epic Outdoor Advertising still be obligated to provide free advertising to nonprofit entities?**

The digital signs owned by Epic Outdoor Advertising (EOA) were agreed to by a prior council around 2005. As a provision of the agreement, EOA was required to reserve 20 percent of the available time for nonprofit, 501C(3), and municipal advertising. We have supplied this for the last 6 years at a value of approximately \$100,000 per year.

However, by changing (*breaching*) the terms of this agreement (motion, dwell time, etc) changes our ability to recoup our investment in these signs. Additionally, we believe the fallout from the inability to run these ads free will result in a tremendous amount of animosity from these nonprofit groups, which will only be redirected to the mayor, city council, and Lisa Modricks group, Scenic Rapid. This is a significant question that needs to be answered prior to the council voting on the related proposed ordinance

**\*Please be advised that it is our position that regardless of any ordinance changes, our signs as well as the operation of them is grandfathered.**

2) An issue of warranty; Verne Goodsell and Scenic Rapid.

**A little more than a year ago, attorney Verne Goodsell stood before the city council as an officer of the courts and representing Scenic Rapid. He guaranteed the legality of both initiated measures and now has been hired to defend these measures in federal court. In defense of the taxpayers, should Verne Goodsell and/or his client, Scenic Rapid be liable for any legal fees and judgments in case he is wrong?**

Mr. Goodsell was the scrivener of these measures, and should stand behind them. As you are aware, the industry has provided the council and city attorney with all applicable case law and precedence regarding these measures. It is our position that they were illegal from their inception, that they violate state and federal law as written, and the damages from these actions could be in the millions. It seems punitive and unreasonable if legal fees and judgments are laid off on the taxpayers by and through the city's defense of a private group's sign obsessions and misrepresentations.

Please respond as soon as possible with your thoughts.

Many thanks,

Brendan Casey  
Epic Outdoor Advertising  
391-9047