

COUNCIL WORK SESSION
Tuesday, August 26, 2014, 4:30 p.m.
Casper City Hall
Council Meeting Room

AGENDA

1. County Roads Conveyances MOU
2. Digital Signs
3. Rocky Mountain Power Visit Report
4. End of Year Financial Report

August 21, 2014

MEMO TO: His Honor, The Mayor, and Members of City Council

FROM: John C. Patterson, City Manager
Bill Luben, City Attorney

SUBJECT: County Roads Conveyances Memorandum of Understanding

Recommendation:

That the Mayor of Casper executes and the City Clerk attests this memorandum of understanding between the City of Casper and Natrona County, Wyoming.

Summary:

The City of Casper and Natrona County, Wyoming, desire to transfer ownership and future maintenance responsibilities of certain county roads located within, or in close proximity to, the municipal boundaries of the City of Casper to the City.

The parties have developed an MOU for this transfer and maintenance of said roads and the City of Casper finds that it should enter into this MOU in order to memorialize the transfer.

RESOLUTION NO. _____

RESOLUTION APPROVING MEMORANDUM
OF UNDERSTANDING BETWEEN THE CITY
OF CASPER AND NATRONA COUNTY
WYOMING.

Whereas, the City of Casper and the Natrona County, Wyoming desire to transfer ownership and future maintenance responsibility of certain county roads located within, or in close proximity to, the municipal boundaries of the City of Casper to the City; and,

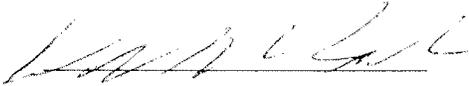
Whereas, the parties have developed a memorandum of understanding for the transfer and maintenance of said roads, which memorandum has been approved by the County Commissioners for Natrona County, Wyoming; and,

Whereas, the city of Casper finds that it should enter into this memorandum in order to memorialize the transfer of the ownership of these county roads to the City of Casper as well as the future maintenance responsibilities therefor.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the Mayor is hereby authorized to execute, and the City Clerk to attest, a Memorandum of Understanding between the City of Casper and Natrona County Wyoming for the purposes set forth above.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2014.

Approved as to Form:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Paul L. Meyer
Mayor

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF CASPER, WYOMING AND NATRONA COUNTY, WYOMING**

1. **Parties.** This Memorandum of Understanding (“MOU”) is entered into by and between the City of Casper, Wyoming (“City”) and Natrona County, Wyoming (“County”).
2. **Purpose.** The purpose of this MOU is to acknowledge the agreement between the City and County with regard to the transfer of ownership and future maintenance responsibility of certain current County Roads located within, or in close proximity to, the municipal boundaries of the City. Additionally, the purpose of this MOU is to rectify the current status of some roadways which are County Roads but lie within or adjacent to the municipal boundaries of the City but have not been designated as City Streets.
3. **Term of MOU.** This MOU shall commence upon the day and date last signed and executed by the duly authorized representatives of the parties to this MOU, and shall remain in full force and effect until terminated or until all the terms of the agreement are satisfied.
4. **Responsibilities of City of Casper.**
 - a. The City shall accept ownership and take all actions necessary to designate the County Roads specified to be transferred to City in Section 6 of this MOU as City Streets. For any such roads whose ownership is transferred, City shall be responsible for all maintenance and up keep of the specified roads unless this MOU provides otherwise.
 - b. Any roads for which ownership will not be transferred and will remain County Roads, City agrees to share the cost of future maintenance for the respective roads as specified in Section 6 of this MOU.
 - c. City agrees that the County will only contribute to construction and maintenance of the roadways specified in Section 6 in order to bring or keep the roadways in compliance with City Street standards for street widths for two-lane City streets. County will not be responsible for or contribute to the cost of bringing said roadways into compliance with other City requirements for curbing, guttering, or sidewalks. County shall, however, contribute to the costs of maintaining, replacing or upgrading existing major storm conveyance drainage systems under the roadways (e.g., culvert upsizing).

specified in this MOU

- d. In the event City annexes any property that abuts a County Road, City agrees to accept that portion of the County Road and designate said section as a City Street. County agrees to pay twenty five percent (25%) of the actual cost to improve any such road to City Street standards, width of two-lane road only.
- e. When the roads that are transferred to the City by the County under this MOU are reconstructed, the City agrees to do so within the platted right-of-way.

5. Responsibility of County.

- a. The County shall convey all right title and interest in the roads specified to be transferred to City in Section 6 of this MOU by warranty deed. County additionally agrees to contribute funding, as specified in Section 6 of this MOU, to bring the specified County Roads in compliance with City street standards regarding width for two-lane roadways. County will not contribute funding to bring roadways into compliance with other City specifications, including but not limited to curbing, gutters, or sidewalks. County shall, however, contribute to the costs of maintaining, replacing or upgrading existing major storm conveyance drainage systems under the roadways (e.g., culvert upsizing).
- b. In the event City annexes any property that abuts a County Road, City agrees to accept that portion of the County Road and designate said section as a City Street. County agrees to pay twenty five percent (25%) of the actual cost to improve any such road to City Street standards, width of two-lane road only.
- c. Until such time as roads that are transferred to the City by the County under this MOU are reconstructed within platted rights-of-way, the County, at its sole cost and expense, agrees to defend the City against any title defects and claims against title that may arise.

6. The Parties agree as to their responsibilities for each roadway as follows:

a. Country Club Road

- 1. County agrees to immediately transfer ownership of Country Club road from municipal boundary of City to the termination of said road, as described in the warranty deed from the County to the City, and City agrees to accept said road and designate it as a City Street. City will contract to bring the roadway in compliance with City Street standards and County agrees to pay three hundred fourteen thousand dollars (\$314,000) of said construction cost.

City and County are aware that Phillips 66 Pipeline LLC (“Phillips 66”) has requested an easement in Country Club Road to reroute an eight inch, high pressure gas line from X to Y. In contemplation of the transfer of Country Club road to the City, the parties agree to work cooperatively in granting an easement, license or other right-of-way to Phillips 66.

b. Scenic Drive.

1. If City annexes any property that abuts Scenic Drive, the City and County agree to share the actual cost of improving that portion of Scenic Drive that abuts City’s municipal boundary to City Street standards, (width for two-lane roadway only), on an equal (50%-50%) basis.
2. If City annexes both sides of Scenic Drive, the City agrees to pay seventy five percent (75%) of road construction cost and County agrees to pay twenty five percent (25%) of cost to bring that section of the roadway that lies within the municipal boundaries of City into compliance with City Street standards.
3. Upon annexation, City will also assume ownership of the portion of Scenic Drive abutting or within the municipal boundaries of the City.

c. Coates Road. City and County agree to share the cost of improving that portion of Coates Road which lies within the municipal boundaries of the City to City Street standards, width for two-lane roadway only, on an equal (50%-50%) basis when both parties agree in the future that the roadway warrants the cost of said improvements. Coates Road was improved to County Road standards at County expense in 2012.

d. Robertson Road.

1. City and County agree to share the cost of major maintenance of that part of Robertson Road lying between Highway 220 and the Rocky Mountain Power Red Butte Substation, shown as Section 1 on Exhibit “A” as follows:

City of Casper	75%
Natrona County	25%.

2. City and County agree to share the cost of major maintenance of that part of Robertson Road lying between the Rocky Mountain Power Red Butte Substation and the Casper Municipal Growth Boundary, shown as Section 2 on Exhibit “A” as follows:

City of Casper	50%
Natrona County	50%

- e. **Wolf Creek Road.** County agrees to transfer ownership of Wolf Creek Road, from Highway 220 to the current termination point of said road, upon completion of an engineering report and survey. Completion of the engineering project is expected within 60 days. County agrees to transfer Wolf Creek Road via warranty deed with the description of the property transferred to be obtained from the survey. City agrees to accept said roadway and designate as a City Street. City will contract to bring the roadway in compliance with City Street standards and County agrees to pay seven hundred and sixty nine thousand dollars (\$769,000) of said construction cost.

- f. **Squaw Creek Road.** If City annexes any property that abuts Squaw Creek Road, City shall accept ownership of said road and County shall pay twenty five percent 25% of the construction cost to bring that section of Squaw Creek Road that is contiguous to the City in compliance with City Street standards, width for two-lane road only.

- g. **Salt Creek Heights Business Center.** County agrees to immediately transfer ownership of all roads within Salt Creek Heights Business Center as shown in red on Exhibit "B" attached hereto. Transfer of said roads shall be by quitclaim deed from County to City, and City agrees to accept said roadway and designate as a City Street. County agrees to crack and chip seal Salt Creek Parkway and English Avenue sometime during the summer of 2014 at its sole cost and expense.

7. Surveying/Warranty Deed.

- a. Survey of Country Club Road. The City, at its sole cost and expense, shall provide an accurate, surveyed, metes and bounds description for the portion of Country Club road that will be transferred to the City by warranty deed.

- b. Survey of Wolf Creek Road. The County, at its sole cost and expense, shall provide an accurate, surveyed, metes and bounds description for the portion of Wolf Creek road that will be transferred to the City by warranty deed.

- c. Survey of other roads. The County, at its sole cost and expense, shall provide an accurate, surveyed, metes and bounds description for the portion(s) of all other roads specified in this MOU that will be transferred to the City by warranty deed.

d. All warranty deeds shall be in a form acceptable to the City.

8. **General Provisions.**

- a. **Amendments.** This agreement sets forth the entire understanding of the Parties, and any changes, modifications, revisions or amendments to this agreement shall be in writing, executed by all Parties hereto.
- b. **Applicable Law.** The laws of the State of Wyoming shall govern the construction, interpretation and enforcement of this agreement. The courts of the State of Wyoming shall have jurisdiction over any action arising out of this agreement and over the parties, and the venue shall be the Seventh Judicial District, Natrona County, Wyoming.
- c. **Severability.** If any portion of this agreement is judicially determined to be illegal or unenforceable, the remainder of the agreement shall continue in full force and effect.
- d. **Governmental Claims Act.** Neither the City nor the County waive any right or rights they may have pursuant to the Wyoming Governmental Claims Act, Wyoming Statutes Section 1-39-101 et seq., and said parties hereby specifically reserve the right to assert any and all rights, immunities, and defenses they may have pursuant to the Wyoming Governmental Claims Act.
- e. **Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this agreement shall not be construed so as to create such status. The rights, duties and obligations contained in this agreement shall operate only between the parties to this agreement, and shall inure solely to the benefit of the parties of this agreement. The parties to this agreement intend and expressly agree that only parties signatory to this agreement shall have any legal or equitable right to seek to enforce this agreement, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this agreement, or to bring an action for the breach of this agreement.
- f. **Entirety of Agreement.** This agreement represents the entire and integrated agreement between the parties which supersedes all prior negotiations, representations and agreements, whether written or oral.

APPROVED AS TO FORM:



City Attorney

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V.H. McDonald
Clerk

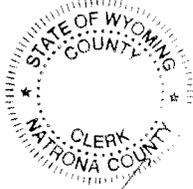
Paul L. Meyer
Mayor

APPROVED AS TO FORM:

[Handwritten Signature]

Natrona County Attorney

My term of office expires
January 5, 2015



ATTEST:

[Handwritten Signature: Renea Vitto]

Renea Vitto
County Clerk

BOARD OF COUNTY COMMISSIONERS

Natrona County, Wyoming

[Handwritten Signature: Bill McDowell]

Bill McDowell
Chairman

STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

This instrument was acknowledged before me on this _____ day of _____, 2014 by Paul L. Meyer as the Mayor of the City of Casper, Wyoming.

(Seal, if any)

(Signature of notarial officer)

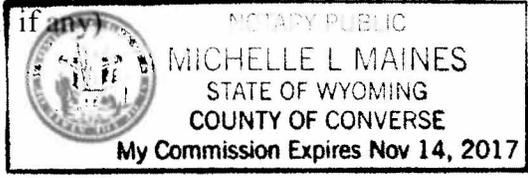
Title (and Rank)

[My Commission Expires: _____]

STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

This instrument was acknowledged before me on this 12th day of July, 2014 by Bill McDowell as the Chairman of the Natrona County, Wyoming, Board of County Commissioners.

(Seal



Michelle L. Maines
(Signature of notarial officer)

Commissioner's Sec/Assistant
Title (and Rank)

[My Commission Expires: Nov 14, 2017]

Exhibit A, to the MOU between City of Casper and Natrona County



SCHBC Phase I Roads

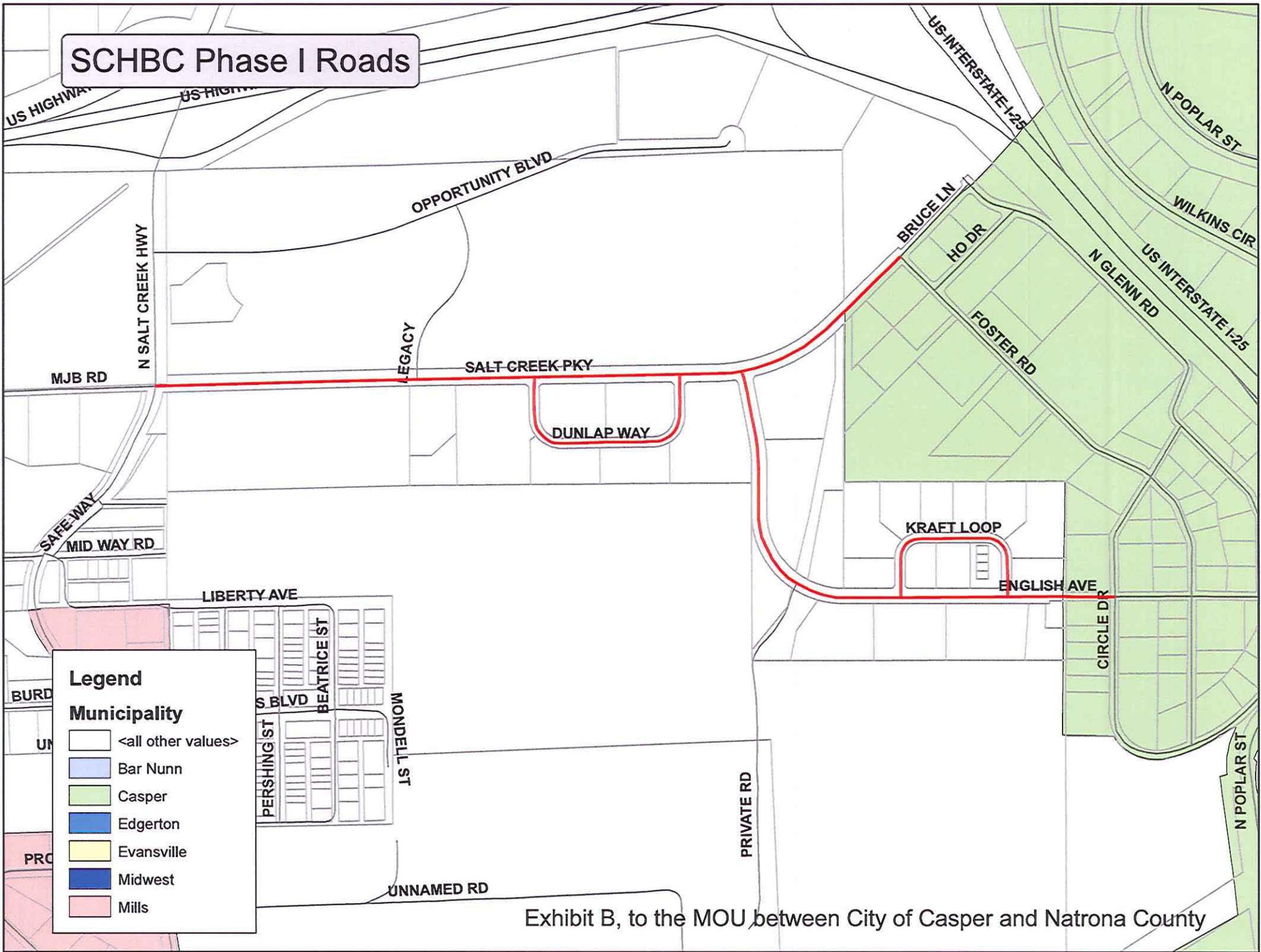


Exhibit B, to the MOU between City of Casper and Natrona County

August 14, 2014

MEMO TO: John C. Patterson, City Manager

FROM: Chairman and Members of the Planning and Zoning Commission

SUBJECT: Proposed Municipal Code Text Amendment to Address Digital Signage.

Recommendation:

That the City Council consider an ordinance amending Chapters 17.08 and 17.96 of the Casper Municipal Code creating regulations for digital signs.

Summary:

Digital signs, also known as electronic message signs or centers (EMC's) are becoming prevalent, as technology continues to advance, and costs get less expensive. They are an attractive medium for both sign companies and their customers alike. They offer a great deal of flexibility in that the message can be easily changed or programmed to project a repeating message, or a series of messages. The technology and capabilities are seemingly limitless with signs performing ever more sophisticated functions.

Communities have regulated signs for many years, focusing largely on type, size and placement. Other than in cases of obscenity, the sign message and colors/images/materials have been left alone. Because EMC's can be programmed to deliver high impact images, they can be overpowering, distracting, or offensive to some citizens. As a result, many communities are finding themselves wrestling with the issue of whether or not to regulate EMC's, and to what extent. The extent to which individual sign contractors and their customers accept regulations on EMC's will vary. As an industry, the members of the International Sign Association accept the need for some regulations. The attached publication from the ISA, "Finding Common Ground" provides a good overview of the issues surrounding the regulation of EMC's.

The degree to which EMC's represent a traffic hazard has been a subject of debate. Clearly the purpose of any sign is to attract a motorist's attention and hold it long enough for him or her to assimilate the message. Any "distraction" represents a potential traffic hazard. Although contrary to what many believe, some studies have suggested that the rate of accidents have not increased significantly along streets or at intersections where EMC's are located. While regulating signs based on safety has not been accepted across the board, regulating signs from an aesthetic standpoint has.

The Planning and Zoning Commission recognized over a year ago that the City's signage regulations have not kept pace with changing technologies. They expressed concern that the

proliferation of signs, while not a significant problem now, could become a problem in the future if regulations are not developed. The Commission heard from City Code Enforcement personnel that when complaints about digital signs are received from the public, they have limited ability to address those concerns because the Municipal Code is lacking in regulations pertaining to digital signage. At the direction of the Planning and Zoning Commission, Planning Division staff began researching the issue, and prepared a draft EMC ordinance. The Planning and Zoning Commission invited sign contractors and business owners to its monthly work-sessions in order to discuss its concerns with them, and to take input from them on the EMC ordinance. Also in attendance at those meetings were representatives from Code Enforcement and the Police Department. The group met for three months, and worked together to create some reasonable standards, addressing four main areas of concern:

- Limiting brightness;
- Prohibiting the use of sound;
- Prohibiting flashing/strobing;
- Prohibiting the use of full-motion video.

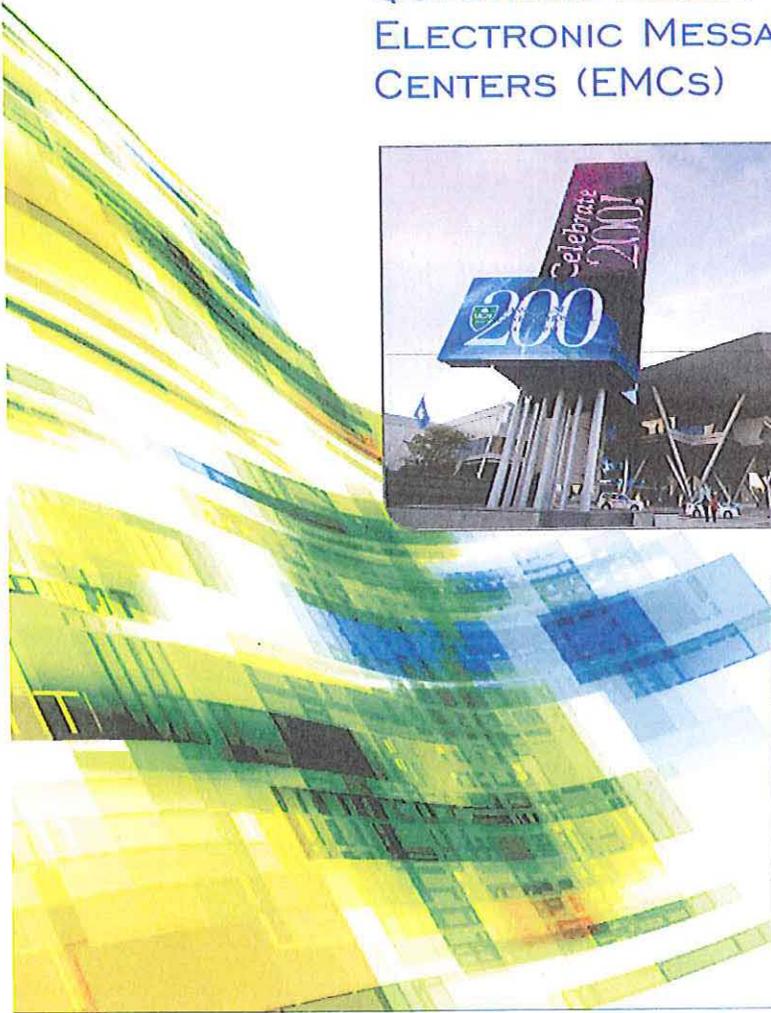
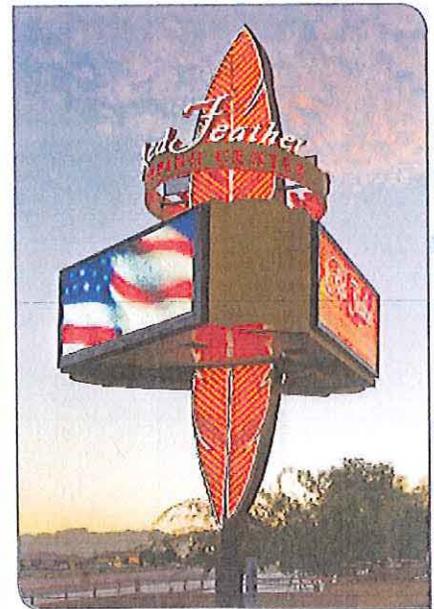
In addition to meeting with sign companies and business owners, the Planning and Zoning Commission created a survey to gauge the general public's feelings about whether digital signs posed a traffic hazard, and whether the public feels that digital signs are attractive or unattractive. The survey is still open on the City's website; however, 523 responses were captured in the first two weeks. In general, the responses indicated that digital signs are an attractive means of advertising. Of note, however, is that a significant number of the respondents, approximately 65%, self-reported that they were not residents of Casper.

The Planning and Zoning Commission also obtained input from various communities in the region who have enacted EMC regulations recently, including Cheyenne, Billings, Sheridan, Gillette, Rock Springs, Laramie and Cody. Generally, the regulations that were developed in those communities are much more restrictive than what the Planning and Zoning Commission is suggesting for Casper. A summary of the regulations in other communities is attached for the Council's review.

The Planning and Zoning Commission has invested a significant amount of time researching this issue, and has reached out to sign contractors, business owners, citizens, and surrounding communities in order to create a balanced approach to addressing digital signage. Significant changes were incorporated into the draft ordinance as a direct result of the input that was received. The Planning and Zoning Commission now asks the Council to consider the proposed ordinance for formal adoption. Should the Council give the go-ahead; the first step in the process of adoption will be to schedule the ordinance for a public hearing at a regular Planning and Zoning Commission meeting. Once public input has been taken, and assuming the Planning and Zoning Commission approves the ordinance, it would then be scheduled for formal Council review and approval.

FINDING COMMON GROUND:

ANSWERS TO COMMON
QUESTIONS ABOUT
ELECTRONIC MESSAGE
CENTERS (EMCs)



FINDING COMMON GROUND: ANSWERS TO COMMON QUESTIONS INVOLVING ON-PREMISE ELECTRONIC MESSAGE CENTERS

Is your community trying to determine how to treat on-premise electronic message center signs (EMCs)? Are you trying to strike a balance between the desire for businesses to use EMCs and community aesthetics? Do you have concerns about the safety of EMCs? Are you confused or frustrated about how to properly regulate these types of signs?

If you have answered in the affirmative to any of these questions, you are not alone. Planners, community officials, small businesses and sign companies have struggled with these questions for several years. As the trade association for the on-premise sign industry, ISA has worked with hundreds of communities across the country on EMC issues, lending our expertise in helping to develop reasonable and beneficial code language governing this modern and innovative sign technology.

Just to clarify, EMCs are not digital billboards, which advertise a good or service that is located away from where the sign is located. Rather, EMCs are digital signs that are located on the premises of the business, and that advertise goods and services that are provided at the location.

(Left) Electronic message center (EMC) / on-premise sign advertising a product that is located at the place of business

(Right) Digital billboard / off-premise sign advertising a business away from where the sign is located



There is often confusion regarding on and off-premise digital signs. However, EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes. For the purposes of this publication, we are focusing solely and exclusively on EMCs.

We have compiled this guide in order to help all stakeholders make informed decisions about EMCs, addressing common concerns and providing the perspective necessary for the development of effective sign regulations. We hope that the information in this publication can assist each community in finding common ground in the quest for appropriate EMC regulation.

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Before ••



After ••

The traditional multitenant sign at the top is forced to use unimaginative fonts and colors in order to fit in all the businesses; the same multitenant sign on the bottom has added an EMC which advertises each tenant every ten seconds, making the sign less cluttered and more attractive.

EMCs AND AESTHETICS

ISSUE

Some communities are concerned with the impact of EMCs on the visual environment. Most concerns regarding aesthetics can be resolved with effective regulation. Proper brightness standards and regulated content presentation standards can resolve the majority of aesthetic concerns. When properly regulated and utilized, EMCs can actually enhance community aesthetics.

The manually-changeable reader board, an ancestor to EMC technology, is common in most communities. Mis-matched letters, bland fonts, and other design limitations make a reader board to electronic message center conversion an improvement in aesthetics. A properly regulated EMC is considered by some to be more attractive than a traditional reader board.

Another example of sometimes aesthetically-displeasing signs is multi-tenant panel signs that can be found in many retail multi-tenant shopping centers. Frequently these signs are packed with a long list of tenants, which are functionally invisible to the motoring public. Such lack of visibility affects the viability of the retail center, and unviable businesses can eventually become an eyesore. Allowing an EMC in a retail shopping center can give tenants the visibility they need, replace functionally invisible signs with an effective sign without increasing over all square footage, and thus improve the aesthetic appearance of the shopping center.

Lack of visibility and the ability to change advertising messages often results in some business owners using alternate methods to get the message out. Ironically, prohibitions or severe restrictions on EMCs can result in the very thing such sign codes are intended to avoid; namely, visual clutter by excessive signage. By allowing properly regulated EMCs to operate in a community, you can avoid these aesthetically objectionable behaviors from occurring. If a business owner is able to use an EMC, the need for excessive banners and other forms of visual clutter are eliminated.

Associating these signs with Las Vegas is a common concern voiced in the debate over EMCs and aesthetics. A closer look at the size, height, spacing and content delivery methods on signs on the Las Vegas strip reveals that this comparison is inaccurate. Signs on the Las Vegas strip have few or no set back requirements, spacing limitations, or height restrictions. It is not uncommon for signs on the Las Vegas strip to exceed two hundred feet in height, and most of the larger signs exceed several thousand square feet in total sign area. Most communities do not even come close to allowing signs such as these. Unless your community allows signs of this magnitude, it is highly unlikely that your community will resemble anything like Las Vegas.

RECOMMENDATIONS

The key to addressing aesthetic concerns regarding EMCs is to ensure that the message brightness, duration, and transition method are properly regulated and enforced in conformity to community aesthetic values. EMCs in and of themselves are not aesthetically displeasing.

EMCs AND CODE ENFORCEMENT

ISSUE

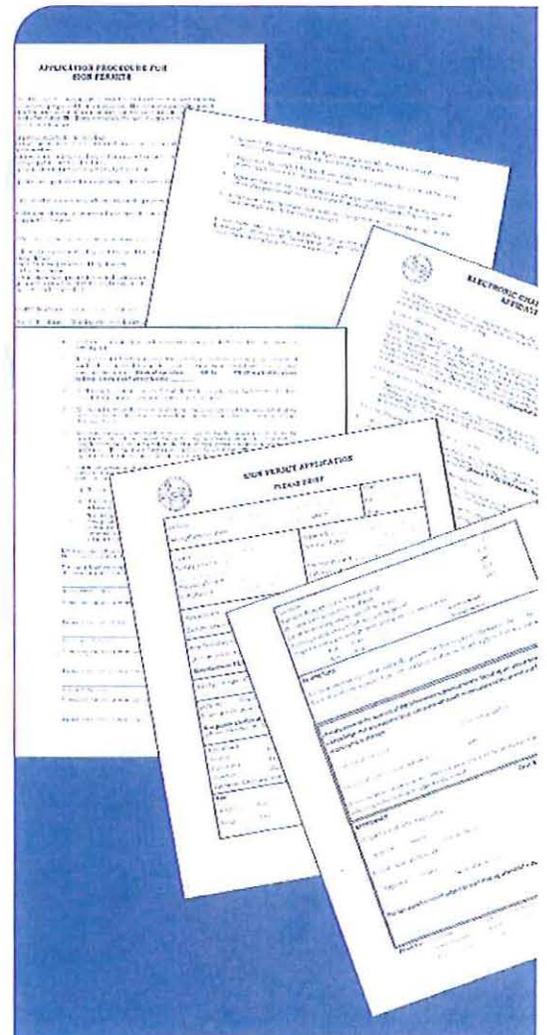
Local sign codes often have provisions regarding the regulation of EMCs. Sign companies help their customers learn what regulations govern their EMCs when the product is sold. Once the EMC is permitted, it is up to the sign owner to make sure that they program their sign so that it is in compliance with the local sign code. EMC manufacturers can only build signs that are capable of compliance.

In some rare instances, out of fear that some extra-judicial programming will take place after an EMC is permitted and operational, some local regulators have attempted to take the position that such signs are prohibited altogether.

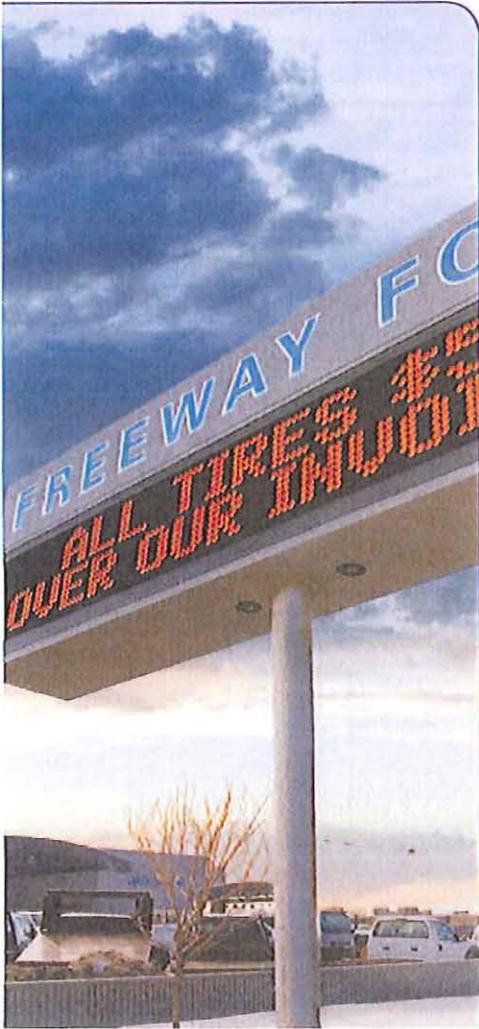
RECOMMENDATIONS

The sign industry encourages strict compliance with sign codes and should always educate customers on how to properly operate EMCs. However, occasionally EMCs are programmed beyond the limitations of local regulation by their owners. Acknowledging the difficulty of city code enforcement, one way of encouraging proper and legal use of these signs by their owners is to have the owner sign an affidavit at the same time the sign is permitted in which the owner agrees to abide by the local regulations or else be cited and pay a fine.

There is no legal basis to deny a static-display electronic sign, as it is legally indistinguishable from any other illuminated sign. Car usage is not prohibited merely because cars are designed so that they can exceed the speed limit; tickets are issued to the driver if they *do* exceed the speed limit. Likewise, if a sign owner *actually* violates the zoning or sign code, the remedy is to cite them for the violation, not to presume that they will do so and refuse to issue permits at the outset.



Cities can require EMC users to promise that they will program and use their signs in compliance with the local sign code, including imposing penalties for knowingly violating the ordinance.



This EMC user can only use amber-colored text messages, which can be bland and limit the creativity of their business's message.

EMCs AND COLOR RESTRICTIONS

ISSUE

Some jurisdictions have established restrictions on the types of content displayed on EMCs. Among the restrictions are limits to the number of colors displayed or a prohibition on full-color images. Many of these limitations are based on a belief that multiple colors or “photo-quality” images are more intrusive or distracting to motorists. We believe that restrictions on the appearance of EMC displays fail to advance any compelling governmental interest and represent an impermissible content-based regulation.

COLOR-BASED LIMITS

Color restrictions can take the form of limiting the total number of colors displayed (“one color only” or “no more than 3 colors”) or specifying the colors allowed (“amber only” or “no red lights”). As a practical issue, most EMCs are comprised of RGB pixels capable of displaying full color images. In order to display most colors, the image actually consists of a mixture of individual LEDs displaying red, green, or blue in varying amounts. Even if the display appears to be a single color (“white”), when viewed at a close distance the EMC can be seen to generate multiple colors of light that blend together as the viewing distance increases. Restrictions on the number of colors are problematic to enforce as questions of color shading and the “black” appearance of unlit LEDs complicate the ability to precisely determine the number of colors being displayed.

Additionally, many EMCs are designed to display information in a format similar to conventional signs. A filling station commonly displays the prices of gasoline, diesel fuel, ethanol and kerosene using different colored numerals. If a manual changeable copy panel can display a message using multiple colors, an EMC should be afforded the ability to display the identical message.

RECOMMENDATIONS

Any attempt to regulate EMCs based on the appearance of the display may run afoul of judicial scrutiny of content-based regulations. Other federal protections on the display of registered trademarks also may affect controls on the display of logos (for example, the Federal Lanham Trademark Act.)

Any EMC should be allowed to display text information, graphics, or images identical to a permanent display on a non-EMC sign. EMC-specific regulations should avoid restrictions on the information displayed and be limited to appropriate controls on sign brightness, size, and message change.

EMCs AND DEFINITIONAL PROBLEMS & SOLUTIONS

ISSUE

When it comes to drafting and enforcing signs codes, it is important for the language and definitions have clear, reasonable, workable and easily understandable meanings. This is especially true when it comes to definitions in the part of the sign code that covers EMCs. This language can often be technologically incorrect, difficult to implement, and unworkable in practice, resulting in sign codes that don't benefit regulators, sign users or the community.

Terms that need consistent clarification in regard to EMC regulatory language can be as basic as the definition of a changeable message sign. There are two kinds of such signs, manually-changed and electronically-changed. Most manually-changed signs involve a background surface with horizontal channels, into which plastic letters and numbers are inserted into the channels on the sign face. The message must be changed by having an employee or technician remove the existing plastic letters and replacing them with the new message.

On the other hand, for the most part EMCs use light emitting display technologies such as LEDs. These kinds of changeable message signs are operated via computer at a remote location and can change messages as fast as they can be programmed. For the purposes of this document, we are focusing on the definitional issues that arise when it comes to EMCs

RECOMMENDATIONS

EMC regulatory language should cover certain technical capabilities of such signs such as:

ANIMATION — the usage of multiple frames running at a fast enough speed that the human eye perceives the content to be in continuous movement.

DISSOLVE — a mode of message transition on an EMC accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

FADE — a mode of message transition on an EMC accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FLASHING — an intermittent or flashing light source where the identical EMC message is constantly repeated at extremely fast intervals.

FRAME — a complete, static display screen on an EMC.

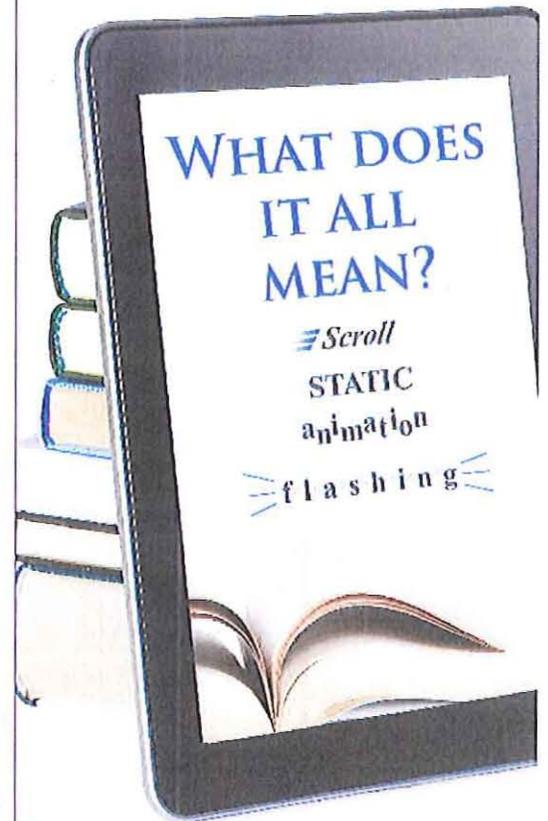
FRAME EFFECT — a visual effect on an EMC applied to a single frame to attract the attention of viewers.

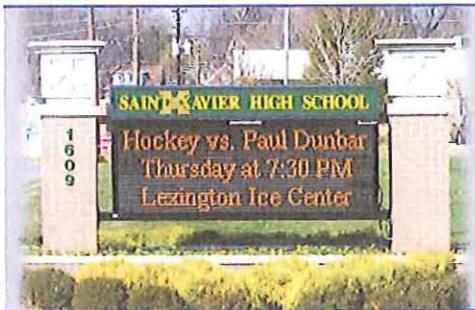
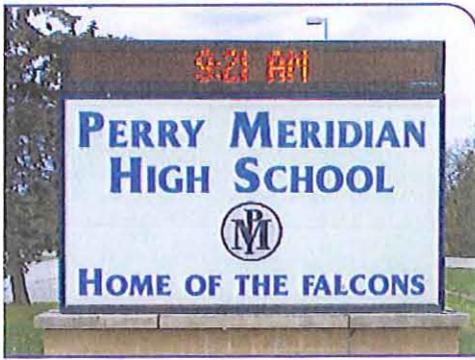
SCROLL — a mode of message transition on an EMC where the message appears to move vertically across the display surface.

STATIC MESSAGE — messages that contain static messages only, and do not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement.

TRANSITION — a visual effect used on an EMC to change from one message to another.

TRAVEL — a mode of message transition on an EMC where the message appears to move horizontally across the display surface.





The school sign on the top has been allotted a very small area for its EMC as compared to the school sign on the bottom. The school sign on the bottom is therefore able to present more information in a more legible fashion on the screen in comparison.



EMCs use light emitting diodes, or LEDs, which are one of the more energy-efficient forms of lighting available today.

EMCs AND DIGITAL AREA SIZE LIMITATIONS

ISSUE

Some jurisdictions have adopted restrictive square footage area restrictions for EMCs. For example, restrictive allowable square footage for EMCs would be to only allow 25% of the maximum square footage for a sign. We believe that if square footage restrictions for electronic message centers are too restrictive this may lead to limiting the type of message that a business can display. A smaller EMC may only lend itself to effectively displaying text, restricting the business to utilize images. Since EMCs are considered such an effective method for a business to advertise, this will also have a potential negative economic impact on a business.

ECONOMIC CONSIDERATIONS

EMCs have proven to be a very cost effective method of advertising, especially when compared to radio, television, and print media. A typical small business does not have the recognition of a national chain. Therefore, affordable and effective advertising that is provided by an EMC can be an important factor of a successful business.

RECOMMENDATIONS

In support of the business community and particularly small business, no square footage area restrictions or minimal restrictions of the allowable square footage, are recommended for EMCs. This will afford a business the flexibility to display images or text providing, full marketing advantage afforded by electronic message centers. By allowing the business community greater flexibility in the allowable square footage of EMCs can also lead to overall support and economic enhancement of the community. An additional advantage of allowing minimal restrictions on the allowable area for EMCs will enable enhanced messaging for community or civic events.

EMCs AND ENERGY CONSUMPTION

ISSUE

Some jurisdictions are concerned about the amount of energy consumption by electronic signs, including EMCs. Modern EMCs use light-emitting diode or "LED" lighting technology to produce changeable messages. LED lighting is one of the most energy efficient forms of lighting, according to the U.S. Department of Energy.

RECOMMENDATIONS

Gains in LED efficiency over the past few years have been dramatic. Many EMC manufacturers have reported efficiency gains of almost 80% over a five-year period, and it appears that the trend towards more efficiency will continue. EMCs are on the cutting edge of the most energy efficient sign technologies.

When compared to other forms of advertising such as print media, radio, or television, and EMC is a more environmentally responsible form of advertising. The energy, paper, and equipment used in other forms of advertising far outweigh the energy consumption and overall environmental impact of an EMC.

EMCs AND THE HIGHWAY BEAUTIFICATION ACT

ISSUE

The Highway Beautification Act (23 USC 131) of 1965 calls for control of outdoor advertising or billboards within 660 feet of the nation's Interstate Highway System and the existing federal-aid primary highway system.

Since its passage, the Highway Beautification Act has been consistently interpreted as exempting on-premise signs under its jurisdiction. However, in recent years a few state and federal officials have mistakenly sought to regulate on-premise signs using the Act as justification.

RECOMMENDATIONS

The Highway Beautification Act cannot be used as justification for government officials to regulate on-premise signs. The HBA does not apply to all signs within 660 feet of a primary aid highway or interstate system. 23 USC 131(c)(2) and 23 USC 131(c)(3) of the Act provide exceptions for on-premise signs, including for on-premise EMCs. It was never the legislative intent of the drafters of the Highway Beautification Act or its subsequent amendments to place on-premise signs under any federal control.



President Lyndon Johnson and his wife "Lady Bird" at the signing of the 1965 Highway Beautification Act, which regulates outdoor advertising (billboards), not on-premise signs



Electronic message centers have often been the target of moratoriums by local officials. However, prohibiting these types of signs (or other types, such as pole signs or window signs) can often hurt existing businesses in the community and could discourage the development of new businesses.

EMCs AND MORATORIUMS

ISSUE

Moratoriums are not necessary to change a sign ordinance unless it can be proven that specific kinds of signs imminently threaten public health and safety. Communities should be able to research options and revise their sign codes without resorting to moratoriums.

Many communities enact temporary moratoriums on certain kinds of signs while they consider how to regulate these specific signs. During this period of time, permits are not issued for the specific types of signs. In some cases, a temporary moratorium leads to a permanent ban on the kinds of signs in question.

RECOMMENDATIONS

ISA believes that sign moratoriums make for poor public policy for several reasons, including the following:

- (1) moratoriums can have the affect of favoring businesses which have the targeted signs already in existence;
- (2) government signs are often not included under moratoriums;
- (3) moratoriums often take place during important economic opportunities (i.e. Christmas, summer tourism season etc) for local businesses; and
- (4) moratoriums could discourage development of new businesses.

Most importantly, sign moratoriums can usually be avoided by effectively involving and communicating with the appropriate community stakeholders.

If a community elects to enact or extend a sign moratorium, it should be used as a last resort, and only then in furtherance of an imminent health or safety concern. A sign moratorium should be limited to the shortest possible duration.

EMCs AND NIGHT-TIME BRIGHTNESS

ISSUE

EMCs that are too bright at night can be offensive and ineffective. EMC brightness at night is an issue where sign users, the sign industry, and community leaders have a common goal: ensuring that EMCs are appropriately legible. The messages that these signs convey can be rendered unattractive and perhaps even unreadable if they are programmed too bright when it is dark outside.

That's why many sign companies recommend to their customers that in order for these signs to be most effective, their brightness be set at such a level to be visible, readable and conspicuous.

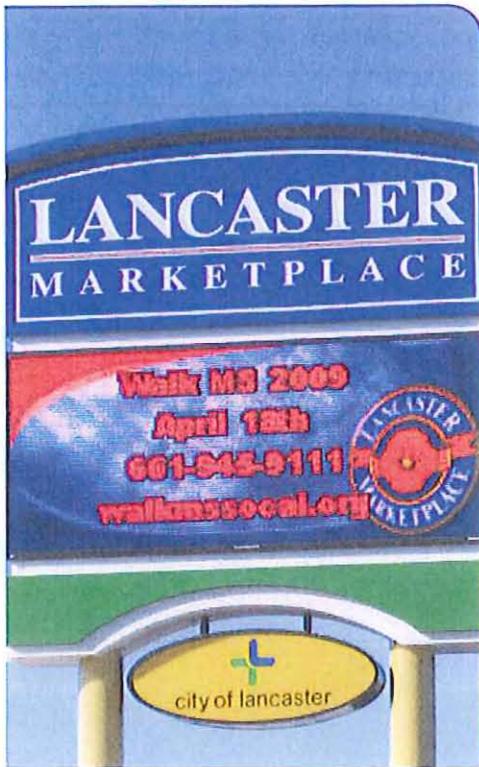
RECOMMENDATIONS

In 2008, the International Sign Association (ISA) retained Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for EMC brightness. Dr. Lewin is a past chair of the Illuminating Engineering Society of North America (IES), and is greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry.

As a result of this research, the recommended night-time brightness level for EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance. This is a lighting level that works in theory and in practice. Dozens of jurisdictions across the country have adopted these standards, either in whole or in part.

Included with this research and recommendations are model statutory language and six short steps to help guide the process. You can find these EMC Night-time Brightness Recommendations at www.signs.org/brightness.





This shopping center's electronic message center (EMC) is communicating a message not about any goods or services sold on the property, but about a non-commercial community-oriented event that is happening at a place other than at the location of the sign. It is perfectly acceptable for an on-premise EMC to broadcast such a non-commercial message; however, if the same sign were to communicate a commercial message about a store in the next town or advertise for a product that was not sold at that particular location, it would be in danger of losing its permitted status as an on-premise sign and could instead be classified as an off-premise sign. This new classification would usually entail undergoing a new permitting process, additional fees and other arduous procedures.

EMCs AND OFF-PREMISE MESSAGES

ISSUE

An on-premise sign is a communication device whose message and design relate to a business, an event, goods, profession or service being conducted, sold, or offered at the same location as where the sign is erected. An off-premise sign is any sign that is not appurtenant to the use of the property, a product sold, or the sale or lease of the property on which it is displayed and that does not identify the place of business as purveyor of the merchandise, services, etc. advertised upon the sign.

When an on-premise EMC is programmed to include among its several messages one that advertises a business, an event, goods, profession or service being conducted, sold, or offered at a different location from where the sign is erected, it may be viewed by some government officials as being an off-premise sign, and need to be permitted and regulated as such. This can have adverse impacts on both the individual sign users as well as other future sign users who will need approval from zoning or permitting authorities.

RECOMMENDATIONS

ISA believes that the messages that should be displayed on signs permitted under on-premise sign regulations should be messages relating to a business, an event, goods, profession or service being conducted, sold, or offered at the same location as where the sign is erected. ISA also believes that on-premise signs should be permitted to display noncommercial messages and public service announcements without risk of losing their on-premise status or exemption from outdoor advertising restrictions.

EMCs AND TEXT-ONLY RESTRICTIONS

ISSUE

Some jurisdictions have established restrictions on the types of content displayed on EMCs. Among the restrictions are prohibitions on high-quality images. Many of these limitations are based on a belief that “photo-quality” images are more intrusive or distracting to motorists. We believe that restrictions on the appearance of EMC displays fail to advance any compelling governmental interest and represent an impermissible content-based regulation.

ALPHANUMERIC LIMITS

Alphanumeric controls are designed to limit displays to the 62 Latin letters and Arabic numbers. Photographic images, graphics, and other characters are prohibited. While alphanumeric text allows messages to be expressed, the limited displays are not necessarily as effective as images can be. As noted in the APA’s *Street Graphics and the Law*, (pictographic) images are encouraged as they are more easily comprehended than text. Additionally, images allow businesses to express the products offered at their location using registered trademarks and logos, which are much more readily identified than words expressing the same message.

RECOMMENDATIONS

Any attempt to regulate EMCs based on the appearance of the display may run afoul of judicial scrutiny of content-based regulations. Other federal protections on the display of registered trademarks also may affect controls on the display of logos.

Any EMC should be allowed to display text information, graphics, or images identical to a permanent display on a non-EMC sign. EMC-specific regulations should avoid restrictions on the information displayed and be limited to appropriate controls on sign brightness, size, and message change.



The Burger King EMC photo at the top can only use text, while the Burger King EMC photo on the bottom can also show pictures, logos, and other images.

EMCs AND TRAFFIC SAFETY

ISSUE

Many jurisdictions that consider regulations on EMCs fear that allowing this technology to be used in signage will lead to an increase in traffic accidents. These fears are unfounded. The LED technology inherent in electronic message centers have been studied for over 30 years and have never been found to be hazardous to traffic safety. Studies from reputable organizations such as Virginia Tech Transportation Institute, Tantara Associates and even the Federal Highway Administration have found that digital signs are appropriate along the nation's roadways.

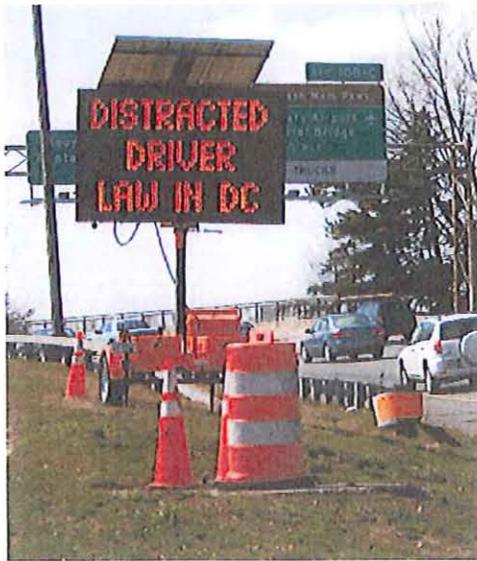
The Federal Government has accepted the use of this technology in signage along the roadways. Over forty State Governments have specifically adopted regulations allowing for its usage. In fact, digital signs are found throughout the United States.

RECOMMENDATIONS

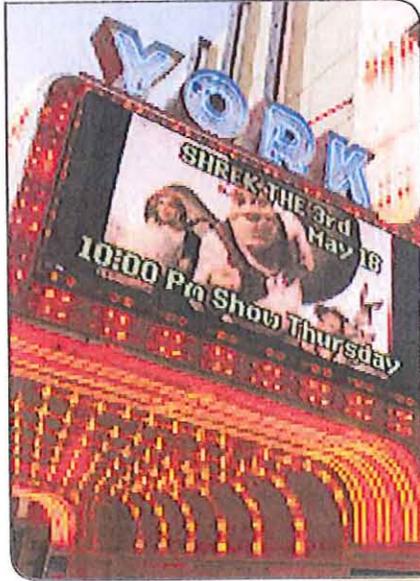
There are two basic types of safety studies in the United States: Statistical and Human Factors. Neither type of study has ever shown that digital signs cause an increase in accidents or are a hazard to the traveling public.

Statistical studies look at multiple locations and attempt to determine whether the introduction of a stimulus (in this instance an EMC) caused an increase in accidents. The study begins by looking at traffic data at specific locations, for a number of years before the digital sign is erected. This data provides a baseline by which to judge whether there was an increase in accidents. The researcher then analyzes the same data that is present for these locations after the digital sign is erected. No statistical study has ever shown that digital signs cause an increase in accidents. In fact, a 2012 study by Texas A&M University researched over 120 locations of EMCs in four states, and found that there is "no statistically significant impact between the installation of on-premise digital signs and an increase in crashes."

Human Factors studies look at the way in which a stimulus affects a driver. Such studies have been done on any number of stimuli: eating and drinking, changing the radio-A/C dials, texting, etc. This type of study looks at how a driver may become distracted by a stimuli and how such distraction could increase the likelihood of an accident. No such study has ever found that digital signs are so distracting as to be the cause of an accident.



Pictured is an official District of Columbia Department of Transportation digital sign, with a two-second time interval, informing motorists during rush-hour on a high-traffic area about their distracted driving law. That our nation's capital uses this type of signage technology to educate drivers demonstrates that digital technology enhances safe traffic conditions.



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www.signs.org

Summary of Digital Sign Codes in other communities – May 2014

Town/City	Brightness	Dwell Time	Flashing	Animation/Video	Other
Cheyenne	0.3 FC over ambient.	Maximum number of image changes is (3) per 24 hour period.	Not permitted.	Not permitted.	Digital signage can only account for 15% of total allowed sign area.
Gillette <i>(Proposed DRAFT Regulations)</i> <i>Electronic Message Center (EMC) signage not addressed in current regulations.</i>	0.7 FC over ambient.	6 Seconds.	Not permitted.	Not permitted.	Scrolling not permitted. Spinning, dissolving, fading, or revolving during 2 second transition is permitted.
Rock Springs	0.3 FC over ambient.	2 Second transition maximum. Billboards - 10 Second dwell time. On premises signs – unclear if dwell time applies.	Not permitted.	Not permitted.	Scrolling and chasing allowed.
Laramie	0.3 FC over ambient.	8 seconds for color displays. Monochrome has no dwell time requirement.	Not permitted.	Not permitted.	No scrolling allowed. No time limit given for transition time. Fade and dissolve permitted; however, no special effects, such as flashing, blinking or animation permitted during transition.
Cody	Maximum 5,000 NITS (brightness) daytime, and 500 NITS at night. <i>(NIT means a candela per square meter measure of luminance).</i>	None.	Flashing signs prohibited.	Not permitted in residential districts. Animated signs permitted in (3) zoning districts only, and in downtown with approval of P & Z Commission.	

Summary of Digital Sign Codes in other communities – May 2014

Town/City	Brightness	Dwell Time	Flashing	Animation/Video	Other
Douglas – EMC signage not specifically addressed in Code.	N/A	N/A	N/A	N/A	
Sheridan	EMC Prohibited.	EMC Prohibited.	EMC Prohibited.	EMC Prohibited.	
Riverton	Maximum NITS is based on color of display, and time of day. (i.e. red only – 2,250 daytime, 450 night; full color – 5,000 daytime, 1,000 night, etc.)	None.	Permitted.	Permitted.	School LED signs 50' maximum size, and turned off between 10:00 PM and 6:30 AM. No LED signs within 200 feet of a residential zone.
Billings, MT	Auto dimming required. No greater than manufacturer recommended level of brightness.	None.	Not permitted.	Not permitted.	EMC signs only permitted in conjunction with adjacent standard sign. Cannot account for more than 40% of signage.
Evansville	Reader board signs prohibited.	Reader board signs prohibited.	Flashing signs prohibited.	Reader board signs prohibited.	
Casper <i>(Proposed DRAFT Regulations)</i>	Auto dimming required to 0.3 FC over ambient light level.	8 Seconds – billboards. None – on-premises signs.	Prohibited.	Full Motion Video - Prohibited. Animation - Permitted	Scrolling text permitted. Sound prohibited.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 17.08 AND
17.96 OF THE CASPER MUNICIPAL CODE
PERTAINING TO DIGITAL SIGNAGE

WHEREAS, signage enables the public to locate goods, services and facilities within the City of Casper, and promotes free expression; and,

WHEREAS, Section 17.96.010 of the Casper Municipal Code states that the purpose of Chapter 17.96 is to provide for comprehensive and enforceable sign regulations that will protect the community aesthetics from unrestricted use of signs; to allow signs appropriate to the character of each zoning district; to promote traffic safety; to aid police and fire protection; and, for the general health, welfare, and safety of the community; and,

WHEREAS, from time to time it is necessary to update the City's sign regulations to address changing technology and trends; and,

WHEREAS, the use of digital signage has, in recent years, become prevalent across the City of Casper; and,

WHEREAS, digital signage, when properly regulated and utilized, may be compatible with aesthetics in the community; and,

WHEREAS, unregulated digital signage can be detrimental to the aesthetics of the community, and can be excessively distracting to motorists and hazardous to the public; and,

WHEREAS, in order to preserve and enhance the City of Casper as a desirable community in which to live and do business, a pleasing, visually attractive environment is important; and regulating digital signage is a highly contributive means by which to achieve this desired end.

WHEREAS, the regulations herein have been prepared with the intent of enhancing the visual environment of the City and promoting the health safety and welfare of the community; and,

WHEREAS, the regulations on digital signage are unrelated to the content of the signs, and will further the City's legitimate and substantial government interest in minimizing traffic and safety hazards, and the aesthetics and character of the community; and,

WHEREAS, the Planning and Zoning Commission reviewed and approved the proposed amendments to the Municipal Code pertaining to digital signage on XX, 2014; and,

WHEREAS, it is the desire of the governing body of the City of Casper to amend Chapters 17.08 and 17.96 of the Casper Municipal Code pertaining to digital signage as specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

SECTION 1:

The following sign-related definitions found Section 17.08.010 are hereby amended by adding the language that is capitalized and deleting the language that is stricken through, as follows:

Sign, Changeable Copy (Automatic). "Automatic changeable copy sign" means a sign or ELECTRONIC MESSAGE CENTER on which the copy OR IMAGE changes automatically on a lampbank or DISPLAY through a PROGRAMMED OR REMOTE electronic or mechanical means.

Sign, Flashing. "Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light, OR WHERE THE IDENTICAL MESSAGE, OR A PORTION OF THE MESSAGE IS REPEATED AT A RAPID INTERVAL (LESS THAN EVERY TWO SECONDS) FOR THE PURPOSE OF DRAWING ATTENTION TO THE SIGN. ~~Automatic changing signs such as public service time, temperature, and date sign or electronically controlled message center are classified as "changing signs" not "flashing signs."~~ SIGNS WITH INTERMITTENT LIGHTS, OR THAT CHASE, RUN, SPIN, ROTATE, STROBE OR SCINTILLATE ARE CONSIDERED TO BE FLASHING SIGNS.

Sign, Animated. "Animated sign" means any sign which includes SIMULATED MOVEMENT, action or motion CREATED BY THE DISPLAY OF A SERIES OF PICTURES OR IMAGES. ~~The term does not refer to flashing, changing or indexing, all of which are separately defined.~~

SECTION 2:

Section 17.08.010 – Definitions, is hereby amended to add the following definitions related to digital signage:

"Ambient light" means the existing light condition surrounding an area. The light source may be sunlight, or artificial light, or a combination of both.

"Digital Off Premises Advertising Sign" means a computer programmable, off-premises sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

"Dissolve" means a mode of message transition on an Electronic Message Center Sign or a Digital Off-Premises Advertising Sign accomplished by varying the light

intensity or pattern, where the first frame/message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame/message.

“Dwell Time” means the interval of time that an Electronic Message Center Sign or a Digital Off-Premises Advertising Sign frame remains static before transitioning to a new message.

“Electronic Message Center Sign (EMC)” means an on-premises, changeable-copy (automatic) sign which uses light emitting display technologies or a combination of lights, or lighted or unlighted panels which are controlled electronically to produce words, symbols, pictures or messages. Includes cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic, video boards and other similar electronic technology.

“Fade” means a mode of message transmission on an Electronic Message Center Sign or Digital Off-Premises Advertising Sign accomplished by varying the light intensity, where the first message/frame gradually reduces intensity to the point of not being legible (i.e. fading to black) and the subsequent message/frame gradually increases intensity to the point of legibility.

“Full Motion Video” means a sign feature with simulated continuous movement created by the display of a series of images, typically consisting of a recorded actual event or scene.

“Footcandle” means the English unit of measurement for illuminance, which is equal to one lumen, incident upon an area of one foot.

“Frame” means a complete, static display screen on an Electronic Message Center Sign or Digital Off-Premises Advertising Sign.

“Illuminance” means the photometric quality most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source. Illuminance can be measured with a footcandle meter, also known as a luxmeter.

“Scintillate” or “Scintillating” means visual effects such as light flashes, light sparkling, light starbursts, light twinkling, light pulsating, or any other image transition effect or animation in which an image instantly and repeatedly changes for the purpose of attracting attention.

“Scrolling Message” means a mode of message transition on an Electronic Message Center Sign or Digital Off-Premises Advertising Sign where the message appears to move vertically or horizontally across the display surface. For the purpose of regulating Electronic Message Center Signs and Digital Off Premises Advertising Signs,

scrolling shall refer to text only, and not images or symbols which shall instead, be considered either animated signs or full motion video signs.

“Static Message” means a sign message/frame that does not have movement, or the appearance or optical illusion of movement during the display period.

“Transition” means the visual effect of changing from one frame/message to another frame/message on an Electronic Message Center Sign or Digital Off-Premises Advertising Sign.

SECTION 3:

Section 17.96.030(B) – Zoning district provisions, is hereby amended by adding the language that is capitalized and deleting the language that is stricken through, as follows:

B. Additional Allowances for Commercial and Industrial Zoning Districts. ~~Animated, rotating, and flashing signs will be allowed only in commercial and industrial zoning district. Animation and rotation shall be limited to slow movement. Flashing will be limited to chasing or scintillation or subdued color change. Extreme on and off or strobe type flashing is not permitted.~~

1. Changeable Copy SIGN (AUTOMATIC). Signs on which the copy changes automatically through mechanical means, AND ELECTRONIC MESSAGE CENTER SIGNS (EMC's) ~~or electronically through lampbanks, or other electronic methods~~ are allowed, provided the changing of copy OR FRAMES is not detrimental to traffic safety, as determined by the City traffic engineer OR AS SUBSTANTIATED BY A TRAFFIC STUDY. ~~Continuous scrolling messages are not allowed.~~ ELECTRONIC MESSAGE CENTER SIGNS (EMCs) SHALL COMPLY WITH THE FOLLOWING:

- a. EMC's SHALL NOT UTILIZE OR PROJECT SOUND.
- b. EMC's SHALL NOT UTILIZE OR CONSIST OF FLASHING ELEMENTS OR MESSAGES, WHICH WOULD MEET THE DEFINITION OF A “FLASHING SIGN” FOUND IN SECTION 17.08.010.
- c. EMC's SHALL NOT DISPLAY FULL MOTION VIDEO.
- d. EMC SIGNS DISPLAYING ANIMATION “ANIMATED SIGNS,” ARE PERMITTED.
- e. EMC SIGNS DISPLAYING SCROLLING MESSAGES ARE PERMITTED.
- f. EMC's SHALL BE EQUIPPED WITH A SENSOR OR OTHER DEVICE THAT AUTOMATICALLY DETERMINES THE AMBIENT ILLUMINATION,

AND SHALL BE PROGRAMMED TO AUTOMATICALLY ADJUST TO AMBIENT LIGHT CONDITIONS. THE ILLUMINANCE OF AN EMC SHALL NOT INCREASE THE AMBIENT LIGHTING CONDITIONS BY MORE THAN 0.3 FOOTCANDLES WHEN MEASURED PERPENDICULAR TO THE EMC FACE AT A DISTANCE DETERMINED BY THE FOLLOWING FORMULA: MEASUREMENT DISTANCE (*IN FEET*) = $\sqrt{\text{EMC SIGN FACE AREA (IN SQUARE FEET)} \times 100}$.

- g. IN NO CASE SHALL AN ELECTRONIC MESSAGE CENTER SIGN (EMC) INCREASE THE AMBIENT LIGHTING LEVEL BY MORE THAN 0.3 FOOTCANDLES, AS MEASURED AT THE PROPERTY LINE OF AN ADJACENT RESIDENTIAL-USE PROPERTY. AN ADJACENT PROPERTY DOES NOT HAVE TO ABUT THE PROPERTY ON WHICH THE SIGN IS LOCATED.

SECTION 4:

Section 17.96.050 is hereby amended to add the following:

L. DIGITAL OFF-PREMISES ADVERTISING SIGN.

1. DIGITAL OFF-PREMISES ADVERTISING SIGNS SHALL ADHERE TO THE LOCATION, ZONING, SPACING, HEIGHT, SIZE AND PERMITTING REQUIREMENTS, AS STATED FOR ALL OFF-PREMISES SIGNS.
2. THE MESSAGE, MESSAGES, OR COPY DISPLAYED ON A DIGITAL OFF-PREMISES ADVERTISING SIGN:
 - a. SHALL NOT UTILIZE OR CONSIST OF FLASHING ELEMENTS OR MESSAGES, WHICH MEET THE DEFINITION OF A "FLASHING SIGN" FOUND IN SECTION 17.08.010;
 - b. SHALL DISPLAY ONLY STATIC MESSAGES OR IMAGES, AND SHALL NOT DISPLAY ANIMATION OR FULL MOTION VIDEO.
 - c. SHALL HAVE A DWELL TIME OF A MINIMUM OF EIGHT (8) SECONDS PER STATIC IMAGE;
 - d. SHALL NOT INCREASE THE AMBIENT LIGHTING LEVEL BY MORE THAN 0.3 FOOTCANDLES WHEN MEASURED BY A FOOTCANDLE (LUX) METER, PERPENDICULAR TO THE FACE OF THE SIGN, AT A DISTANCE OF:

- i. ONE HUNDRED FIFTY (150) FEET FOR A DIGITAL BILLBOARD WITH A SURFACE AREA OF NOT MORE THAN TWO HUNDRED FORTY TWO (242) SQUARE FEET;
 - ii. TWO HUNDRED (200) FEET FOR A DIGITAL BILLBOARD WITH A SURFACE AREA GREATER THAN TWO HUNDRED FORTY TWO (242) SQUARE FEET BUT NOT MORE THAN THREE HUNDRED SEVENTY EIGHT (378) SQUARE FEET; AND,
 - iii. TWO HUNDRED FIFTY (250) FEET FOR A DIGITAL BILLBOARD WITH A SURFACE AREA GREATER THAN THREE HUNDRED SEVENTY EIGHT (378) SQUARE FEET.
3. IN NO CASE SHALL A DIGITAL OFF-PREMISES ADVERTISING SIGN INCREASE THE AMBIENT LIGHTING LEVEL BY MORE THAN 0.3 FOOTCANDLES, AS MEASURED AT THE PROPERTY LINE OF AN ADJACENT RESIDENTIAL-USE PROPERTY. AN ADJACENT PROPERTY DOES NOT HAVE TO ABUT THE PROPERTY ON WHICH THE SIGN IS LOCATED.
4. ALL DIGITAL OFF-PREMISES ADVERTISING SIGNS SHALL HAVE A LIGHT SENSING DEVICE TO ADJUST THE BRIGHTNESS OF THE SIGN AS AMBIENT LIGHT CONDITIONS CHANGE, IN CONFORMANCE WITH THE REQUIREMENTS OF THIS SECTION.
5. TRANSITIONS BETWEEN MESSAGES SHALL BE COMPLETED IN TWO (2) SECONDS OR LESS BY EMPLOYING AN IMMEDIATE, DISSOLVE, OR FADE METHOD.
6. THE USE OF SOUND IS PROHIBITED.
7. DIGITAL OFF-PREMISES ADVERTISING SIGNS SHALL HAVE AN AUTOMATIC SHUTDOWN MECHANISM WHICH TURNS OFF THE SIGN IN THE EVENT OF A MALFUNCTION.

SECTION 5:

This ordinance shall be in full force and effect from and after passage on three readings and publication.

PASSED on 1st reading the ____ day of _____, 2014.

PASSED on 2nd reading the ____ day of _____, 2014.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the
day of _____, 2014.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Paul L. Meyer
Mayor

Outline for Presentation to the City of Casper on Rocky Mountain Power

Aug. 26, 2014

Introduction: Wally Trembath, Vice President, Turnkey Services, Inc.(TSI) Expert witness for City of Casper during 2009-2010 intervention in Rocky Mountain Power (RMP) Rate case and settlement agreement. TSI in conjunction with the City Attorney's Office represented the City of Casper (CPR) the past 4 years in quarterly and semi-annual meetings with RMP, inspected RMP work for compliance with the settlement agreement and installations in the field per TSI contract and scope of work.

I. Past Events

A. Intervention process

1. Hard fought battle during discovery process and difficult negotiations. It was all negotiated as terms of a total settlement agreement.
2. Huge thanks to Bill Luben, Wallace Trembath and Pete Meyer. Their expertise and support was critical in achieving the settlement agreement. Reasons for intervention was unreliable power and power not available for development
3. SADI and SAFI numbers at time of intervention.
SADI (duration of power outages in customer minutes) 235 minutes
SAFI (frequency of interruptions of power) 2.5
Note: SADI and SAFI numbers are per Wyoming Service Quality Review dated Jan to Dec 2008
4. Sub-stations critically loaded during peak summer demand periods. 4 of 9 subs were loaded to between 95.7% to 105% of capacity. IEEE recommends loading subs to not greater than 80%.
5. Radial (one way feed) to many subs due to 69kv feeder being damaged and no repair is planned.

B. Settlement Agreement

1. Complete Elk Horn Sub-station
2. Upgrade 69kv outer loop to 115kv from Elkhorn Sub-Station to Community Park Sub-station
3. Complete Community Park sub-station
4. Upgrade 69kv outer loop to 115kv from Community Park Sub-station to Red Butte Sub-station
5. Install new 20 MVA sub-station at Red Butte Sub-station location
6. Upgrade 69kv outer loop from Red Butte Sub-station to Casper WAPA (now from Red Butte Sub-station to Casper Sub-station)
7. Upgrade Center Street Sub-station from 4kv to 15kv
8. Complete \$2.5M in reliability projects in Casper

9. Provide written reports on quarterly basis and meet with City to discuss issues and needs
10. When the load capacity at the airport or Bar Nunn reached required levels, a new sub-station is to be built at Bar Nunn.

II. Present

A. Projects completed

1. Elk Horn, Community Park and Red Butte sub-stations are complete
2. 115kv outer loop to Elkhorn, Community Park and Red Butte Sub-stations complete with new 15kv distribution line from Community Park Sub-station to Red Butte Sub-station. Reference RMP provided map of Casper/Natrona County transmission, and distribution system.
3. Center Street Sub-station conversion from 4kv to 15kv complete with much retrofit to downtown Casper, allowing development to continue
4. 4kv to 15kv conversion at the Casper International Airport is complete
5. Quarterly or semiannual reports have been received and meetings held to discuss issues. Thanks to the City Attorney Office, Pete Meyer, Mayor, City Council, and City Manager for support at these meetings and support for TSI efforts at these meetings. Meetings have been valuable, as this keeps Casper and Natrona County's needs ever present in RMP's minds and has resulted in additional funding for reliability projects over the past four years of about \$9m.
6. Reliability values for SADI and SAFI have been improved to the new values of SADI 136.32
County Service Quality Review dated Jan. –Dec. 2013, and SAFI 1.954. New values for 2014-2015 were established at the State Average after negotiations with RMP last January-March.
7. Load goals for the airport circuit were achieved last year and RMP has agreed to construct the new Bar Nunn Sub-station to be completed in 2015.
8. All reliability projects agreed to be completed for Casper and other areas of the state have been completed. NOTE: The entire service territory in Wyoming has benefited from the intervention by Casper, as they have received reliability projects not otherwise planned due to Casper's hard work. Approximately \$16.5 to \$18M of reliability work has been completed by RMP state wide with about \$10.5 to \$12M of reliability work for the City of Casper and Natrona County, over and above the settlement agreement as a result of the meetings and RMP's acknowledgement of the huge need. Thanks to Jim Bollinger and Greg Hanson of RMP for their work on the above. In total RMP will have invested between \$37M to \$39M in reliability projects in the Casper area by the end of 2015.
9. Sub-station loads have been reduced to acceptable levels with greater degrees of reliability, even after much growth for the City and County. See RMP provided list of reliability projects recently completed. This is not a thorough and complete list but provides a good indication of the scope and areas for Natrona County.

III. Future

- A. Stipulation Enforcement and monitoring.
 - 1. We will continue with monitoring the progress of items required by the settlement agreement, Bar Nunn Sub-station and outer loop from Red Butte Sub-station to Casper Sub-station.
 - 2. Continue to represent the City of Casper in semi-annual meetings.
- B. Semi-annual meetings and new work.
 - 1. Monitor the installation and schedule of reliability improvement items to be agreed to in semiannual meetings.
 - 2. Monitor the installation and schedule of the completion of the outer loop (Red Butte Sub-station to Casper Sub-station), and the new Bar Nunn Sub-station installation.
 - 3. Evaluate and monitor sub-station loads to provide early notification to RMP and commitments from RMP to construct new subs or increase load capacities at existing facilities. Elk Horn is the next likely sub-station to require additional capacity in the next two to three years or before. This will include RMP providing more regular reporting on sub-station loads than agreed to in the settlement agreement. NOTE #1: This past year, CAEDA paid RMP to do load studies for 11 likely development areas around the City and County. Only one area can be provided the required power (2MW) at present without the new Bar Nunn Sub-station, without unusual steps by RMP, additional costs to developers, and lengthy time frames to support development. NOTE #2: Developers need to be cautioned to use reasonable and accurate load calculations and time frames for service needs when requesting new services.
- C. Support of the City Council and the other Natrona County Intervenors will be necessary in the future to continue to develop new and tougher SADI/SAFI goals, funding of reliability projects, and other items mentioned here and other items that will no doubt arise. We have gotten the level of dependability we now enjoy thru the intervention in rate case process. The fact that the City with the other Natrona County Intervenors were willing to litigate the reliability issues, combined with future meetings and negotiations will insure reliable and available power in the future.

Per RMP's CEO, The City of Casper has gotten their attention thru the intervention, however, we are already seeing funds being shifted away to other needy areas of the State and RMP's other territories. We are seeing new items such as the moving spare transformers into pools with multiple power companies which will erode the ability of RMP to provide reliable service to the Casper/Natrona County areas. Over the past four years we have had the support of the PSC in supporting the reliability issues of Natrona County. However, other areas of RMP's service territory in the state are suffering power difficulties and demanding resources.

Attachments:

Map to Transmission and Distribution System of Natrona County

List of Recent underground improvements in Natrona County

Detail drawing of typical pole and under-ground

**A SAMPLE OF RECENT UNDERGROUND IMPROVEMENTS
PERFORMED BY RMP IN NATRONA COUNTY**

Casper:

12th Street-15th Street, through Quail Run Apartments

12th Street and Walsh Drive area

12th Street and Wyoming Blvd area

18th Street south of Quail Run Apartments

21st Street Area

21st Street and Missouri Street area

Arden Lane

Arroyo Drive

Begonia

Carriage Lane

Cherokee Lane

Garden Creek up Casper Mountain to Hogadon Ski Area

Hogadon Ski Area

Indian Scout

Jade Hills, Phase I & II

Kingsbury

Lathrop Trailer Park

Legion Lane

Long Lane

Oak Street

Ridgecrest

Robertson Road and Stagecoach

Rustic Ridge area (2 projects)

South of E. Second Street and Walsh Drive area

Valley Hills

Village Drive

Yucca Circle

First span of underground replaced off dip locations along Community Park/Red Butte

Transmission Line

Evansville:

Elementary School area

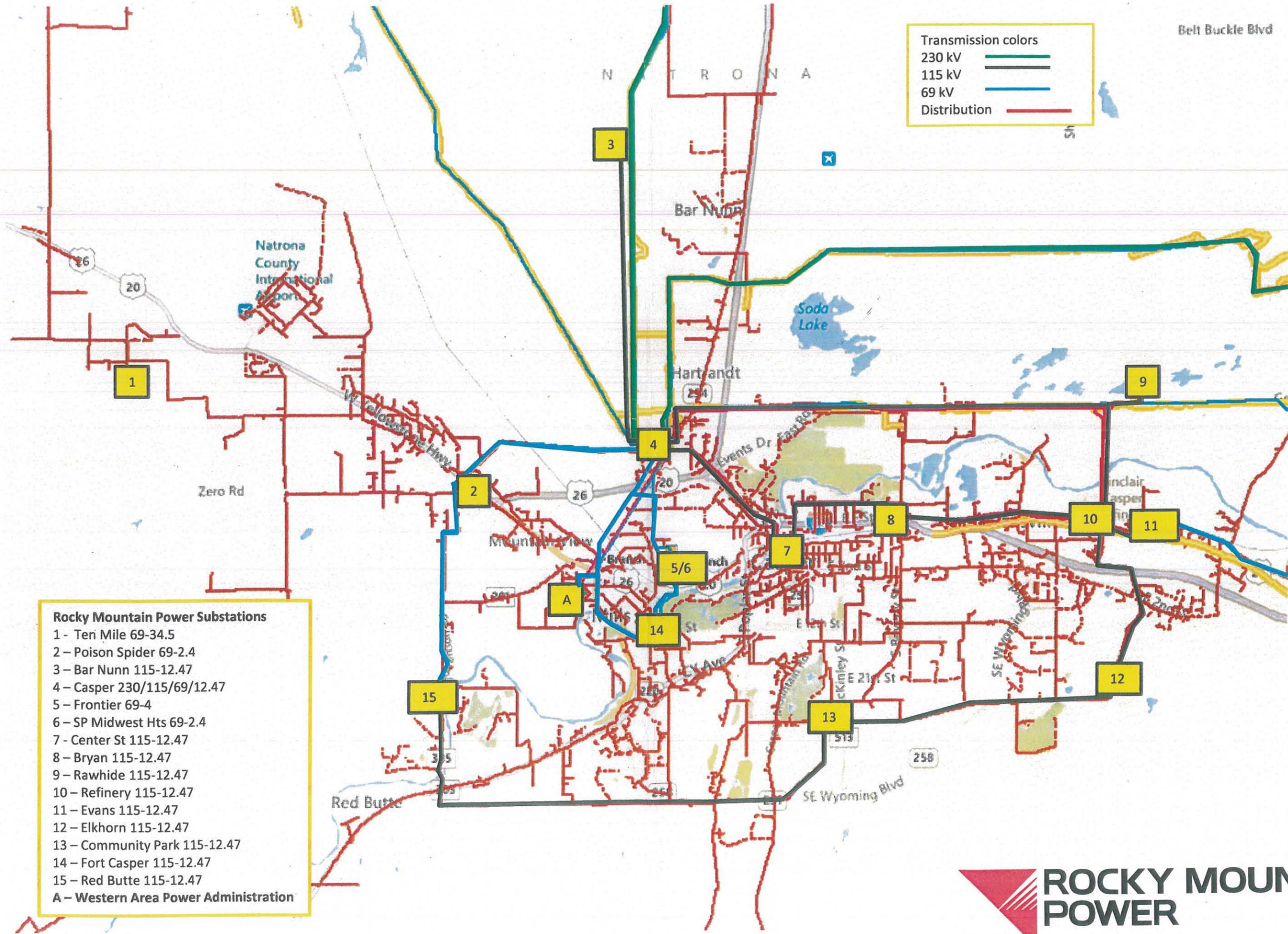
Shilo Inn area

Sierra Vista/Rio Vista

Bar Nunn:

Firehall area

Lift Station area



Transmission colors

230 kV	
115 kV	
69 kV	
Distribution	

- Rocky Mountain Power Substations**
- 1 - Ten Mile 69-34.5
 - 2 - Poison Spider 69-2.4
 - 3 - Bar Nunn 115-12.47
 - 4 - Casper 230/115/69/12.47
 - 5 - Frontier 69-4
 - 6 - SP Midwest Hts 69-2.4
 - 7 - Center St 115-12.47
 - 8 - Bryan 115-12.47
 - 9 - Rawhide 115-12.47
 - 10 - Refinery 115-12.47
 - 11 - Evans 115-12.47
 - 12 - Elkhorn 115-12.47
 - 13 - Community Park 115-12.47
 - 14 - Fort Casper 115-12.47
 - 15 - Red Butte 115-12.47
 - A - Western Area Power Administration



