

# BRESNAN

*It's personal*

Bresnan Communications  
1860 Monad Rd.  
Billings, MT 59102  
Office: 406.238-7700  
Fax: 406.238-7777  
www.bresnan.com

As early as May 1, 2011 in Billings

**Channel Deletions:**

As of April 26<sup>th</sup> 2011 TV Guide Network which is on channel 20 will no longer be available.

As of April 30<sup>th</sup> 2011 Discovery Fit and Health which was on channel 222 will no longer be available.

Bresnan will introduce the new Optimum Broadcast Basic package (which provides a limited number of channels, including your local broadcast channels, depending on area) with a rate of \$25 per month. We are finalizing the new Optimum services packaging and pricing and these will be available as early as May 1, 2011.

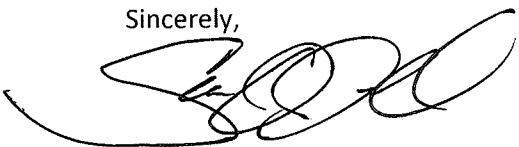
All existing Bresnan customers will be grandfathered in their existing packages and pricing. Bresnan customers, at their option, may also downgrade their services and packages into existing Bresnan pricing and packaging.

All existing Bresnan customers wishing to upgrade, existing Bresnan customers that are moving or transferring services and all new customers will receive the new Optimum packaging and pricing.

If you are contacted by constituents regarding this issue, please let them know that they can call us at 1.877.BRESNAN (1.877.273.7626) where our people stand ready to address their concerns.

Please feel free to call me at 406-238-7710 if you have any questions or concerns.

Sincerely,



Sean O'Donnell  
Senior Regional VP

your link to **TOMORROW**

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3-24-2011

City Administrator  
Tina Volek  
P. O. Box 1178  
Billings, MT 59103

Dear Tina:

I write today to notify you of some programming enhancements we are making in order to ready the Bresnan network to deliver new Optimum services with great home phone service, fast Internet speeds and more networks in high-definition. As early as April 26, 2011 in our Billings system, subscribers will see the following changes to the Bresnan line-up:

**CHANNEL CHANGES:**

	Current Channel		Level of Service	
	From	To	From	To
The	17	54	Basic	Expanded Basic
TWC HD	717	754	HD	HD
Univision	54	17	Expanded Basic	Basic
Discovery Channel	22	48	Basic	Expanded Basic
DC HD	722	748	HD	HD
HSN	48	22	Expanded Basic	Basic
HDPV	700	990	HDPV	HDPV
In Demand PPV 1	801	991	PPV	PPV
In Demand PPV 2	802	992	PPV	PPV
In Demand PPV 3	803	993	PPV	PPV
In Demand PPV 4	804	994	PPV	PPV
In Demand PPV 5	805	995	PPV	PPV
In Demand PPV 6	806	996	PPV	PPV
In Demand PPV 7	807	997	PPV	PPV

**CHANNEL ADDITIONS:**

Channel #	20	Network:	Channel Guide	Level of Service:	Basic
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your link to **TOMORROW**

**City of Billings**  
**Weekly Legislative Report**  
**Thirteenth Week of the Montana Legislature**  
**March 31, 2011**

As of today, March 31<sup>st</sup>, 1146 bills have been introduced (of the 2244 bill draft requests filed). Today, March 31<sup>st</sup>, is the 72<sup>nd</sup> Legislative Day, of the 90 day Session. For this Report I highlight the following bills:

- HB 43, introduced by Rep. Gary MacLaren, would specify employers' rights to test and discharge employees related to employees use of medical marijuana. It was amended in the Senate and returned to the House. SB 423 to repeal the Medical Marijuana Act and start over with a new law to strictly regulate and control marijuana passed the Senate on March 31<sup>st</sup> 36 to 14. Because the transmittal deadline passed yesterday, the House must affirmatively vote to accept SB 423 if it is to be considered further in the House. HB 161, to repeal the marijuana initiative, has passed the House and was heard on 2<sup>nd</sup> Reading today in the Senate. HB 161 passed on 2<sup>nd</sup> Reading 29 to 21. The City supports bills to repeal the Medical Marijuana Act and supports bills to regulate and control medical marijuana use.
- HB 230, introduced by Rep. Steve Gibson, would transfer the Board of Crime Control from the Department of Justice to the Department of Corrections. This Bill passed the House and was heard in the Senate Judiciary Committee on March 22<sup>nd</sup>. Executive Action is pending. The City opposes this Bill.
- HB 307, introduced by Rep. Tom Burnett, would prohibit building codes from requiring mandatory sprinkler systems primarily in single family residential housing. This Bill has passed the Legislature, and has been returned with Governor proposed amendments. The City supports this Bill.
- HB 316 and HB 317 are companion bills, introduced by Rep. Cook (R. - Conrad); to decrease the amount of distributions in numerous statutory appropriations, and to sunset statutory appropriations at certain times. These Bills have passed the House. The City opposes these Bills which have been set for hearings in the Senate Finance and Claims Committee. A separate but related bill is HB 495 which would freeze entitlement payments at the current level for two years and then set a new formula and base year. It passed the House and will be heard in Senate Finance and Claims Committee on April 6<sup>th</sup>. HB 439 is the \$90 million general obligation bond bill for state government building projects, including a new building at MSU-B. HB 439 passed the House. It is set for hearing in the Senate Finance and Claims Committee on April 6<sup>th</sup>.
- HB 334, introduced by Rep. Scott Reichner (R.-Big Fork), is the primary workers compensation bill considered to accomplish reform. It passed the Legislature and will be transmitted to the Governor.

- Three TIFD bills introduced by Rep. Elsie Arntzen, HB 560, HB 561, HB 562, have been substantially amended and have passed the House. They have been referred to the Senate Local Government Committee. HB 564 was tabled in the House Taxation Committee.
- SB 91, introduced by Sen. Taylor Brown, would allow a new city to incorporate even if it does not have a post office (for example, Lockwood). It passed the House on March 31<sup>st</sup>. It is tied to passage and approval of HB 426 with a contingent voidness clause. HB 426, by Rep. Gary MacClaren (R.- Victor) would require consent of large industrial facilities (for example, oil refineries) before such properties could be included within the boundaries of a newly incorporated city. HB 426 has passed the Legislature and has been transmitted to the Governor.
- SB 234, as introduced by Sen. Sonju (R. - Kalispell) would have negatively impacted the ability and cost of cities to provide solid waste services when a private entity is providing similar services. The Bill, as amended in House Local Government, passed on 2<sup>nd</sup> Reading today in the House. The amendments were agreed upon by the City, the League and the private solid waste service providers.
- SB 358, introduced by Sen. Ed Buttrey, would provide for creation of targeted economic development districts. The Bill has been amended and passed the Senate on March 29<sup>th</sup>.
- SB 367, introduced by Sen. Vincent, would establish nutrient standards variances. It has broad support from interested parties, including the League of Cities and Towns and MACO. It passed the Senate and was amended in the House before passing the House.
- SB 372, introduced by Sen. Bruce Tutvedt, would adopt a phased reduction of the business equipment tax making them contingent upon state collections of income tax, and provide a 90% reimbursement to local governments. It passed the Senate and will be heard in the House Taxation on April 1<sup>st</sup>. The City supports this Bill.

I look forward to discussing these and other legislative matters of interest to City Council. Please contact me if you have any questions or would like information on any particular topic or bill.

Ed Bartlett, City of Billings, Lobbyist, cell: 406-431-6014



*FROM THE DESK OF . . .*

*Tina Volek*

*City Administrator*

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*email: volekc@ci.billings.mt.us*

## MEMORANDUM

**To:** Mayor & City Council  
**Date:** Friday, April 01, 2011  
**Subject:** MDU Methane Payment Use

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At a Council member's request, possible uses of the MDU methane plant revenue has been scheduled for discussion at the April 4 work session. The funds received to date -- \$11,527— have been deposited in a special account within the General Fund, so they can be tracked.

Staff intent has been to use the funds to address pressing capital items, a couple of which are outlined below. There also is an update from MDU on the amount of revenue that can be expected from the project.

### Revised Revenue Estimates

Rick Reid, MDU Region Manager, now estimates that the City conservatively will receive \$200,000 per year from the methane plant at the landfill over the next few years. The number is lower than the original \$500,000 estimate for two major reasons. When the plant was planned, natural gas was selling for \$8/1000 cubic feet, and the revenue conservatively was predicted on sales at \$6/1000 cubic feet. Because of a glut of gas in the Bakken oil fields, the price now has dropped to \$4/1000 cubic feet. In addition, nitrogen has been discovered in the methane from the landfill. MDU is working on a solution to that problem.

### Emergency Radio System

The Council directed staff in February to ask Sen. Baucus' staff to seek grant funding for the \$9.85 million emergency radio system conversion from 800MHz to VHF. Since then, the staff has received additional information that may have an impact on this proposed project.

The VHF interoperability project, which has been funded by the State, loses its funding July 1, 2011, and will depend on donations to continue. The City has just learned that the Federal Communications Commission (FCC) has issued a warning that all radio systems should convert to narrow-band operations by January 2012. In addition, the City has just received \$2.5 million worth of replacement radios paid for by Sprint as a settlement in an FCC case in which the phone company pushed signals on to public radio channels. These radios originally were intended to be sold to help finance the new VHF system when it was put in place, even though they have a useful life of 7 to 10 years.

Given limited Federal and State funding for interoperability projects, the FCC notice and the City's possession of a radio system that will be useful for up to a decade with the installation of a backbone system, it may be advisable for the City to consider maintaining its 800 MHz system. Staff is pricing the backbone and also working with a couple of companies to identify ways to become interoperable within Yellowstone County. One possible use of the MDU funds could be to help pay for backbone for a system used by most City departments, but especially public safety departments.

### Energy Performance Contracting

McKinstry has nearly completed its energy audit of City buildings, paid for from American Recovery and Reinvestment Act (ARRA) funds. Some enterprise or self-sustaining departments, such as Aviation, Motor Pool and Public Works, may fund their own projects by bonding or from operating funds. There are, however, more than \$2 million worth of projects identified in General Fund departments, ranging from new lighting fixtures to new furnaces that would have a return-on-investment of 10-34 years. Borrowing on behalf of the \$33 million General Fund is limited by State law to a percentage of the fund total, and all but \$1.2 million of that capacity is being used. With the Police employee lawsuit and the potential for emergencies in the future, staff would not recommend that the borrowing authority be used for these retrofits. However, the projects could be grouped by buildings over a number of years and the MDU funds could be used as a source of paying for the energy saving improvements.

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The final cost of the projects mentioned above will be presented to the Council as additional figures become available. It is recommended that the Council consider using the MDU funds for these and other capital projects in the years ahead.