

Montana Board of Milk Control
Meeting Minutes – Time Stamp Record to Accompany Meeting Recording

December 13, 2019 11:00 a.m.

Montana State Capitol Building – Room 102
1301 E. 6th Avenue, Helena, Montana

PUBLIC MEETING

Call to Order

Chairperson Scott Mitchell called the meeting to order at 11:04 a.m. in Room 102 at the Montana State Capitol Building; 1301 E. 6th Avenue; Helena, Montana.

Attendance

Board Members:

	Present	Absent
W. Scott Mitchell, Chair	X	
Jerrold A. Weissman, Vice Chair	X	
Brian Beerman	X	
R. James Parker	X	
Erik Somerfeld	X	

Montana Department of Livestock Staff:

Chad Lee, Bureau Chief, Milk Control Bureau
Mark Curtis, Dairy Accountant, Milk Control Bureau
Linda Grady, Auditor, Milk Control Bureau
Mike Honeycutt, Department of Livestock
Brian Simonson, Department of Livestock
Rob Stutz, Montana Department of Justice, Agency Legal Services (attorney representing the Montana Department of Livestock)

Guests:

Rob Adamson, Meadow Gold
Dan and Della Daugherty, Triple D Dairy
Tim Huls, Huls Dairy, Inc.
Leonard Kleinsasser, Montana Milk Producers Association
David Lewis, Big Creek Dairy, Northwest Dairy Association
Dave Miller, Montana Correctional Enterprises Dairy
Mike Ragsdale, Northwest Dairy Association/Darigold
Ed Waldner, Montana Milk Producers Association
John Waldner Jr, Fairhaven Dairy
Ike Wurz, Montana Milk Producers Association
Ruben A. Wurz, Montana Milk Producers Association

AGENDA ITEM	TIME STAMP
ROLL CALL & INTRODUCTIONS	00:00 – 1:33
I. MINUTES Motion: Mr. Parker moved and Mr. Somerfeld seconded a motion to approve the time stamp document as written for the audio recorded minutes of the March 8, 2019 Board of Milk Control meeting. The motion carried. All members voted in favor.	I. 01:33 – 2:18 Motion 1:50 – 2:18
II. UNFINISHED BUSINESS & GENERAL ORDERS Mr. Weissman spoke about the United States-Mexico- Canada Agreement (USMCA) and the positive affect on US dairy imports to Canada.	II. 2:18 – 3:28 2:24 – 3:15
III. COUNSEL EXPLANATION & PUBLIC COMMENT ON DEAN FOODS CHAPTER 11 BANKRUPTCY FILING Rob Stutz explained the Dean Foods Chapter 11 bankruptcy filing, and board members commented.	II. 3:28 – 7:12 4:38 – 7:02
IV. NEW BUSINESS	IV. 7:12 – 2:36:58
A. Proposal of FY2021 Milk Control Assessment Rates Motion: Mr. Beerman moved and Mr. Weissman seconded a motion that the Board of Milk Control initiate the rulemaking set forth in MAR Notice 32-19-305 as presented, setting assessment rates for fiscal year 2021 to \$0.055/cwt for producer-distributors, \$0.0275/cwt for producers, and \$0.0275/cwt for distributors, approving the substantive language and allowing for nonsubstantive modifications. Public comment - none The motion carried. All members voted in favor.	IV.A. 7:12 – 15:51 Motion 13:16 – 15:10
B. Consideration of Ad Hoc Committee of Producers from Meadow Gold and Darigold Explanation of Agenda Item – Mr. Mitchell Board discussion Public comment: David Lewis, Big Creek Dairy, Northwest Dairy Association	IV.B. 15:51 – 24:01 15:51 – 17:54 17:54 – 21:18 21:18 – 22:43

AGENDA ITEM	TIME STAMP	
C. Milk Control Bureau Report (Chad Lee)	IV.C.	24:01 – 1:06:48
<p>1. FY2019 Milk Market Administration & Industry Report</p> <p>Motion: Mr. Somerfeld moved and Mr. Beerman seconded a motion to accept the Market Administration & Industry Report for fiscal year 2019.</p> <p>The motion carried. All members voted in favor.</p> <p>Public comment: David Lewis, Big Creek Dairy, Northwest Dairy Association Rob Adamson, Meadow Gold</p>	IV.C.1.	24:18 – 50:42
	Motion	33:19 – 33:58
2. FY2020 Budget and Finances	IV.C.2.	50:42 – 55:49
3. Bureau Activity	IV.C.3.	55:49 – 1:05:57
Lunch Break (12:12 p.m. – 12:49 p.m.)	Lunch Break	Not Recorded

AGENDA ITEM	TIME STAMP	
<p>D. Consideration of Amendments to ARMs Pertaining to Producer Committee</p> <p>Explanation of Agenda Item & Bureau Recommendation – Mr. Lee</p> <p>Board Discussion</p> <p>Rob Stutz, Montana Department of Justice, Agency Legal Services <i>(historical context related to bureau recommendation)</i></p> <p>Public comment - in general order of speaking, some members of the public spoke more than once <i>(primarily, with some board discussion)</i></p> <p>David Lewis, Big Creek Dairy, Northwest Dairy Association Tim Huls, Huls Dairy, Inc. Ed Waldner, Montana Milk Producers Association Dan Daugherty, Triple D Dairy Ruben A. Wurz, Montana Milk Producers Association Dave Miller, Montana Correctional Enterprises Dairy Leonard Kleinsasser, Montana Milk Producers Association Mike Ragsdale, Northwest Dairy Association/Darigold</p>	IV.D.	<p>1:06:48 – 2:21:51</p> <p>1:07:17 – 1:09:40</p> <p>1:09:40 – 1:22:36 1:33:22 – 1:40:44 2:09:46 – 2:21:51</p> <p>1:30:55 – 1:32:55</p> <p>1:22:36 – 1:30:45 1:32:55 – 1:33:22 1:40:40 – 2:09:46</p>
<p>E. September 19, 2019 Memorandum from the Board of Livestock (Out-of-State Travel Authorization)</p> <p>Motion: Mr. Parker moved and Mr. Somerfeld seconded a motion to authorize the Chair of the Board of Milk Control, on an ongoing basis, to approve out-of-state travel requests by Department of Livestock employees representing the Board of Milk Control.</p> <p>The motion carried. Four members voted in favor; Mr. Weissman voted against.</p>	IV.E. Motion	<p>2:21:51 – 2:36:58</p> <p>2:28:43 – 2:36:53</p>
<p>V. PUBLIC COMMENT <i>(on non-agenda items)</i></p>	V.	<p>2:36:58 – 2:37:16 NO PUBLIC COMMENT</p>

AGENDA ITEM	TIME STAMP
<p>VI. ADJOURNMENT</p> <p>Motion: Mr. Beerman moved and Mr. Somerfeld seconded a motion to adjourn.</p> <p>The motion carried. All members voted in favor.</p> <p>Mr. Mitchell adjourned the meeting at 2:19 p.m.</p>	<p>VI. 2:37:16 – 2:37:28</p> <p>Motion 2:37:20 – 2:37:28</p>

Time stamps were recorded during the meeting and reviewed and adjusted by bureau staff.

REVIEWED BY

(Initials):

MC Mark Curtis, Dairy Accountant, Milk Control Bureau

CPL Chad Lee, Bureau Chief, Milk Control Bureau

**Montana Board of Milk Control
Meeting Agenda**

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*Agenda may change up to 48 hours prior to the meeting.
Latest version of agenda will be posted at <http://www.liv.mt.gov/mc/public.mcp>*

WELCOME

ROLL CALL & INTRODUCTIONS

W. Scott Mitchell, Chair
Jerrold A. Weissman, Vice-Chairperson
Brian Beerman
Jim Parker
Erik Somerfeld
Montana Department of Livestock Staff
Guests

I. MINUTES

II. UNFINISHED BUSINESS & GENERAL ORDERS

III. COUNSEL EXPLANATION & PUBLIC COMMENT ON DEAN FOODS CHAPTER 11 BANKRUPTCY FILING

IV. NEW BUSINESS

- A. Proposal of FY2021 Milk Control Assessment Rates
- B. Consideration of Ad Hoc Committee of Producers from Meadow Gold and Darigold
- C. Milk Control Bureau Report (Chad Lee)
 - 1. FY2019 Milk Market Administration & Industry Report
 - 2. FY2020 Budget and Finances
 - 3. Bureau Activity
- D. Consideration of Amendments to ARMs Pertaining to Producer Committee
- E. September 19, 2019 Memorandum from the Board of Livestock (Out-of-State Travel Authorization)

V. PUBLIC COMMENT

VI. ADJOURNMENT