MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
OF THE CITY OF OSAGE BEACH, MISSOURI

August 18, 2011

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, August 18, 2011, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Lois Farmer, Alderman Steve Kahrs, Alderman John Olivarri and Alderman Kevin Rucker. Alderman Ron Schmitt was absent. City Clerk Diann Warner was present and performed the duties of that office.

Mayor's Communications.

Mayor Lyons congratulated the Osage Beach Fire Protection District on their new building off of KK. She said a great deal of planning went into the design and it looks very efficient and is an asset to the community.

Mayor Lyons reported that the Lake of the Ozarks Council of Local Governments met at City Hall on Monday and one member reported on economic development in Lebanon. The City of Lebanon owns several buildings that are leased to various businesses.

The Joint Sewer Board met Tuesday at Lake Ozark City Hall and the annual audit for the plant came back clean. Mayor Lyons thanked Karri Bell and her department for their work on the budget and monthly reports.

Mayor Lyons reported that she and Mayor Franzeskos have asked Representative Diane Franklin to meet with them to discuss HB 89 regarding the manner in which permits are issued to quarries and to discuss ways to possibly amend the law.

Citizens Communications.

Carolyn Morris was present to ask the Board to use microphones since it is difficult for those in the audience to hear.

Gail Wilcox was present to speak against the proposed smoking ban that would violate the Clean Air Act which allows smoking in restaurants and bars. She said the one way couple has driven business away and to prohibit smoking would make it worse and businesses would not survive in that environment. She questioned why taxes are collected on cigarettes if there is a law prohibiting smoking.

Kim Ebling said that a smoking ban is not adhering to liberty and justice and she was sorry to hear that the City would consider it. She said consumers should decide if they want to visit a non smoking or a smoking establishment and whether smoking is allowed or not should be left to the business owner. Mrs. Ebling said six people should not be able to tell her whether or not to prohibit smoking in her establishment. She said the neighbors to the east and west are not considering a smoking ban and it would drive business and tax dollars away and the consumer should make the decision.

Linda Craig, the owner of two restaurants in Osage Beach, said presently there are areas for smokers away from the main dining rooms. She said no customer has ever left either establishment because of smoke. Mrs. Craig said that most businesses advertise heavily outside the area to invite people to visit the area and enjoy what Osage Beach has to offer. She asked whether she should include in her advertisement that smokers are not allowed.

Mrs. Craig said that Columbia has no smoking but they have universities and medical centers and other businesses to attract people to their city but Osage Beach does not have those industries, rather Osage Beach has tourism to attract people. She said that any poll will result in 75% for and 25% against smoking because 75% of people do not smoke anymore but there are people who smoke and they want to continue to come to the lake area. Mrs. Craig questioned how a smoking ban would be enforced. She said the City would have to hire a person for enforcement and charge a fee to the businesses.

Bill Paul said he is not a resident but he works in Osage Beach and the smoking ban would directly affect the well being of the business where he is employed. He echoed prior comments and said that if a smoking ban is approved in Osage Beach, restaurants and bars would flourish outside Osage Beach. He added that what is passed does not only affect Osage Beach but others.

Mr. Paul said that guests from Iowa and Illinois are glad to come to Osage Beach and be able to smoke. He asked the City to think of the repercussions and he said the sale of tobacco and alcohol should be banned if the Board wants Osage Beach to be healthy. Mr. Paul said that businesses will close if smoking is banned and business owners should be able to decide what is the best for their business. He added that some business owners have decided on their own to prohibit smoking. Mr. Paul urged the Board to allow tourists to have a vote if this issue is submitted to the voters.

Mr. Paul said that many people would not complete the survey because Survey Monkey sells addresses and phone numbers to others. He asked the Board to let individuals choose what they want.

Don Neuharth owner of the Econo Lodge, said he is not a resident of Osage Beach. He said most of the work he did previously was taking care of people who smoked but he opposed a government mandate against smoking. He said that businesses should decide whether their establishment is non smoking because customers would be more than happy to drive to the next town. Mr. Neuharth urged the Board not to ban smoking because of a survey by people who will never patronize those businesses but which affects all businesses in Osage Beach. He added that Osage Beach has been fortunate to not have a property tax the last three decades but if a smoking ban is approved, a property tax will be needed to support services in Osage Beach because sales tax will dwindle.

Mayor Lyons closed the citizen communications portion of the meeting at 6:52 p.m.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting and closed session held on August 4, 2011, the bill list as submitted and liquor licenses to Crooners Coffee and Pie Company and a caterer's license for Hookers Bar & Grille for September 16-17, 2011. Alderman Farmer seconded the motion which was voted on and passed.

Unfinished Business.

Bill No. 11-49.

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SCHEDULE III. PARKING RESTRICTIONS, OF THE OSAGE BEACH CODE OF ORDINANCES ESTABLISHING SPINDRIFTER COURT BEGINNING AT THE INTERSECTION OF SPINDRIFTER COURT AND DUDE RANCH ROAD FOR 500 FEET IMMEDIATELY NORTH OF DUDE RANCH ROAD AS A NO PARKING AREA.

City Attorney Ed Rucker said that no parking on Spindrifter was discussed at the last meeting and the Board directed staff to bring back options. Bill No. 11-49 prohibits parking 500 feet north of Dude Ranch Road.

Alderman Rucker questioned whether residents on Spindrifter were agreeable to the proposed no parking zone. Alderman Farmer responded in the affirmative.

Mayor Lyons presented the first reading of Bill No. 11-49 by title only. It was noted that Bill No. 11-49 has been available for public review. Alderman Farmer moved to approve the first reading of Bill No. 11-49 as presented. Alderman Kahrs seconded the motion.

Mayor Lyons presented the second and final reading of Bill No. 11-49. Alderman Rucker moved to approve the second and final reading of Bill No. 11-49. Alderman Farmer seconded the motion. The following roll call vote was taken to approve the second and final reading of Bill No. 11-49 and to pass same into Ordinance: "Ayes": Alderman Olivarri, Alderman Kahrs, Alderman Rucker, Alderman Farmer. "Nays": None. "Absent": Alderman Schmitt. Bill No. 11-49 was passed and approved as Ordinance No. 11.49.

New Business.

Approval of Maintenance Contract for City Hall Ground Source Heat Pump System.

Building Official Ron White explained that Geo Enterprises, Inc. has fulfilled the maintenance contract for the ground source heat pump system and the only change is a $100 increase for the increase in the cost of filters. He recommended approval of the maintenance contract with Geo Enterprises, Inc.

Alderman Rucker moved to approve the maintenance contract with Geo Enterprises, Inc. for the planned maintenance of the ground source heat pump system at City Hall in the amount of $5,500.00. Alderman Olivarri seconded the motion which was voted on and passed.

Ballistic Vests.

Chief Todd Davis recommended the purchase of the Ballistic Vests from Ed Roehr Safety Products Co. on a cooperative bid obtained by Callaway County, Mo Sheriffs Department for $650.00 each (with shipping), for a total of $5,200.00. This will come out of account 10-14-729400 Uniform Rental/Purchases. The Department of Justice will reimburse an amount up to $1,917.57 through the BVP Program which results in a net cost to the City of $3,282.43.

Alderman Olivarri moved to approve the purchase of the ballistic vests from Ed Roehr in the amount of $5,200.00 as recommended. Alderman Farmer seconded the motion which was voted on and passed.

Bid Award. Electric Panel for Lift Station 54-12.

The following bids were received:

Municipal Equipment Co.	$16,082.00
ECCO Equipment	$9,282.00
FB Williams Electric Co.	$11,580.00

Superintendent of Public Works Rick King explained that on July 10, 2011 an electrical short caused the panel to burn internally. Total replacement is needed and currently Public Works is operating the station by installing two small panels to meet electrical needs. Bids have been received from three vendors. Staff recommends purchase from ECCO Equipment in the amount of $9,282.00.

Removal of existing equipment and installation of the new panel will be performed by Public Works. Mr. King said he has been working with the City's insurance provider to cover the cost; however he was informed that another adjuster would be sent to review the damage.

Alderman Olivarri moved to award the bid for the electric panel for the lift station to ECCO Equipment in the amount of $9,282.00, the low bidder. Alderman Rucker seconded the motion which was voted on and passed.

Repairs of Sands Lift Station.

City Engineer Nick Edelman explained that the Sands Lift Station is in need of repairs. Currently there are two pumps operational with a third being worked on by the Public Works Department. The station uses two pumps during peak flows and the third pump is utilized as a backup.

Mr. Edelman requested approval to solicit bids for the needed repairs to the lift station. Since temporary pumping will be required, it is possible that the cost for this item will exceed $5,000. The funds needed for this repair may come out of the depreciation and replacement account but the repair was not a budgeted expense. Mr. Edelman said the repairs could cost between $10,000 and $40,000 depending on the work that must be done. The design will be done in house.

Alderman Kahrs moved to authorize bids to be solicited for repairing the Sands Lift Station as recommended. Alderman Olivarri seconded the motion which was voted on and passed.

Smoking Ban Discussion.

City Administrator Nancy Viselli said there are several options but she would like direction from the Board.

Alderman Kahrs agreed with the business owners who spoke at the beginning of the meeting. He said to prohibit smoking in an establishment is a decision the business owner should make and not government. He added that the survey talked about how many times people go out to eat or patronize a tavern. He and his wife eat out 4 to 5 times a week and many establishments prohibit smoking and those businesses are busy. Alderman Kahrs said Missouri ranks among the highest in the nation for smokers and to pass a smoking ban would drive business away. He said that Illinois changed their ban due to lost revenue in their gambling establishments. Alderman Kahrs asked if anyone had contacted Columbia and Springfield to find out the effects on bars and restaurants since the smoking ban. Alderman Kahrs said he would strongly oppose any legislation banning smoking.

Alderman Rucker said he has concerns about the survey since some constituents told him the questions were slanted. He said he would like to move forward, however he is not ready to make a decision. Alderman Rucker said the Board needs to know if the state has any plans to ban smoking and how many businesses a smoking ban would affect. He said smokers should have an opportunity to smoke even though they are in the minority. Alderman Rucker said he is not in

favor of adopting an ordinance but rather he would like to place the issue on the ballot and let the voters decide. He said only residents would be allowed to vote.

Alderman Farmer said she agrees that a smoking ban should be a decision of the business owners.

Alderman Olivarri said he appreciated everyone's comments but only one side has been heard. He agreed that if the City proceeds with this issue, a great deal of information needs to be gathered before any decision is made. Alderman Olivarri said that research needs to be done to see what is done in other tourist areas in Missouri and in other states. He said he is not prepared to make a decision and that more information is needed to make a decision based on facts.

Alderman Rucker asked Board members to submit all their questions to City Administrator Nancy Viselli within two weeks so that she can do the research needed to get answers.

Alderman Olivarri commented that if this issue goes to a vote, the Board needs to be able to define what the expectations are and consider how a smoking ban would be enforced. He added that multiple options should be researched and public forums should be held to gather input from business owners and residents.

Alderman Kahrs said he will provide names and phone numbers of the individuals to contact in Columbia and Springfield. He asked that a conference call be scheduled with him or another member of the Board present for the call.

Communications from Board Members. None

Staff Communications.

Police Chief.

Chief Todd Davis introduced Laurie Schlatter a summer intern who volunteered 340 hours of her time to the police department this summer and observed the activities of the department. He reported that three officers have welcomed new babies since the last Board meeting.

Superintendent of Public Works.

Rick King reported that the mowing rotation will begin on Monday and the White Goods Recycling will take place again this fall. He reported that he continues to work with the insurance company on the Sands Lift Station.

There being no further business to come before the Board, the meeting adjourned at 7:25 p.m.

I, Diann Warner, City Clerk of the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Board of Aldermen of the City of Osage Beach, Missouri, held on August 18, 2011.

Diann Warner

Diann Warner, City Clerk

Penny Lyons, Mayor

APPROVED 9/1/11 DW