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NEWS IN BRIEF

A MONTHLY NEWS MAGAZINE FOR THE LAKE OF THE OZARKS

VOL. 6 -- ISSUE 10

OCTOBER, 2010



Entrepreneur turns dream into 160-acre reality

Mike Bleile goes from Grandpa's grape juice to a 160-acre winery in this "Made in Missouri" installment. Page 18.

Lake Ozark Aldermen Adopt Plan to Advance City

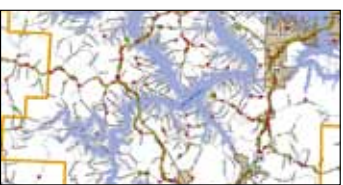
Van Donsel introduces his long-range plan for capital improvements, intercity communication, and financial stability. Page 3.

Realtors Say Vote 'Yes' for No New Transfer Tax

Should Missouri voters stop additional taxes for transfer of real estate? Page 8.

Disagreement over Building Code Compliance

Lake Ozark and LOFD officials agree to avoid duplication of services and fees. Page 16.



One More Chance to Review Camden County Master Plan

Dave Van Dee's employment agreement termed "unacceptable", not fair to the citizens says Van Donsel. Page 15.

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Dwight Weaver's look back. Page 21

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Listings from around the area. Page 35

Osage Beach looks to recoup costs in wake of quarry battle

by Nancy Hogland

Magruder Limestone's plans for its Woodriver Road property crumbled like the rock they planned to quarry there when the Missouri Court of Appeals Western District upheld an earlier decision that prevented the company from moving forward.

The decision, issued Aug. 31 by Judges Lisa White Hardwick, James Edward Welsh, and James W. Van Amburg, stated the Land Reclamation Commission placed the burden of proof on the wrong party, improperly relied upon evidence outside the record, and erroneously determined that Magruder's application was complete when it was originally filed. The court also ruled that Magruder would have to start the application process over again if they wanted to expand their permit to the 212-acre site in Miller County.

"Although we don't expect them to start the process again, if they do, this time there will be an entirely different outcome," promised Osage Beach City Administrator Nancy Viselli. "Throughout the entire ordeal, Magruder kept arguing their quarry wouldn't hurt anything - that we were being foolish - but we have proof to the contrary. After just a few days of blasting, the ultraviolet lights used to disinfect the sewage were damaged. We can show proof

that quarrying on that property could cause an environmental disaster."

Viselli said since McDonald testified they needed to operate in order to supply material for the new U.S. 54 Expressway, and since the majority of that work was completed, she felt Magruder may just let the matter die.

In the meantime, the city, which bore about 85 percent of

the cost of fighting the issue, has asked the court to order DNR to reimburse the more than \$200,000 it spent in attorney's fees.

"We probably won't get back everything we spent, but at this point, anything is better than nothing," she said.

The fight between the city, whose lines carrying 1.5 to 1.8 million gallons of raw sewage per day run through the proper-

ty; the board of the Osage Beach Lake Ozark Joint Sewer Plant, which serves some 8,000 residents and is located on land adjacent to the proposed quarry; and more than 30 residents who would be affected by the operation, began soon after Magruder filed an application with the Commission in April 2007 to expand into the area.

continues on back page



The Magruder Limestone quarry site next to the Osage Beach Lake Ozark Joint sewer Plant. File Photo.

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BOATING: Section on 37

DOCK SUPPLIES DOCK SUPPLIES DOCK SUPPLIES

C. Michael ELLIOTT

REAL ESTATE: Start on 3

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casual or gathering that...
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DINING: Start on page 2

BUSINESS JOURNAL



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Armchair Pilot

by Nancy Hogland

A new baggage screening system designed to streamline the ticketing process at Lambert-St. Louis International Airport is being made possible by \$43 million in federal funding, \$29 million of which is from the stimulus package. The new centralized system is supposed to eliminate the need for passengers to carry luggage from ticket counters to baggage screening areas and reduce the number of scans and physical searches. Systems will be installed in both Terminal 1 and Terminal 2, which services Southwest Airlines.

The St. Louis Downtown Airport in Cahokia, Ill. Also received federal funding but it will be spent on runway improvements. The \$4.1 million grant from the U.S. Department of Transportation will be used to widen a runway and install high intensity runway lights and cable.

years of experience building space capsules and rockets, and Space Adventures, which has organized seven trips to the space station aboard the Russian spacecraft Soyuz, hope to begin the service by the end of 2015. While ticket prices have not yet been set, one of the last civilian passengers to fly on the Soyuz paid close to \$35 million for a 10-day trip.

For travelers wanting to stick a little closer to home, AirTran Airways recently announced plans to expand service to Puerto Rico by adding twice daily flights from Tampa to San Juan. The flights will begin on April 5, 2011. The airline already offers flights to San Juan from Orlando.

JetBlue Airways is also adding service from Tampa to San Juan in May 2011. The airline will start with one flight daily and expand to two in June. Tickets for the new service will go on sale this month and can



If space travel has always been a dream, start saving your money. Boeing recently announced they will enter into a partnership with Space Adventures, a space-tourism company, to sell seats on rocket trips to the International Space Station. Boeing, which brings to the table

be purchased by visiting www.jetblue.com.

Beginning Nov. 18, American Airlines will add nonstop service between Miami and Brasilia four days a week and beginning Dec. 16, the airline will add three non-stop flights per week between Dallas/Fort

Worth and Rio de Janeiro. The flights will take place on Boeing 767-300 jets.

Those traveling to Australia should be prepared for a little mile-high learning. For the next six months, flights arriving in Australia will feature beach safety videos designed to slow or stop the rising number of drownings by tourists. According to the National Coastal Safety Council, of the 82 coastal drowning deaths in 2009-10, 26 (32 percent) were foreigners and 6 percent were international tourists. Since 2006, when nine Australian visitors died by drowning, the number has been steadily rising. Surf Life Saving Australia designed the campaign with features beach safety measures including explanation of the flag system. The video will be shown on several different airlines in English, Chinese, Korean, Japanese, Hindi, Malay and Arabic.

While many jobs are being eliminated, according to a report by Boeing, the global commercial aviation industry is expected to expand, creating the need more than a million pilots and maintenance crew members in the next 20 years. The aviation manufacturer estimated a need for 466,650 pilots and 596,500 maintenance personnel, 40 percent of which would be required in Asia. Boeing estimated the need in North America at 97,350 pilots and 137,000 maintenance personnel; Europe will require 94,800 pilots and 122,000 maintenance personnel. Currently, there are approximately 233,000 pilots and more than 100,000 mechanics and engineers worldwide. To help meet that need, Boeing, which operates 17 pilot and technician training facilities worldwide, plans to expand by adding additional campuses.

In the meantime, the U.S. Department of Transportation reported that the United States airline workforce slid 2.3 percent in July from a year earlier. The DOT blames the industry drop on a decline in travel due to the economic downturn. However, the Bureau of Transportation Statistics reported a slight increase in airline industry employment in the third quarter as consumers and business travelers returned to flying.

Lake Ozark aldermen adopt plan to advance city

by Nancy Hogland

Buying into the concepts of scholar and political theorist John Schaar, who said, "The future is not some place we are going to but one we are creating," Lake Ozark aldermen and city officials will be meeting this month to discuss and fine tune a blueprint they hope will better guide them into that future.

The "blueprint," turned over to City Administrator Dave Van Dee for his perusal, was developed by Alderman Jeff Van Donsel and agreed upon by the rest of the board at a Sept. 7 meeting. That meeting was organized to give aldermen an opportunity to discuss concerns and priorities and then work to develop a list of attainable goals and objectives for coming years.

"I decided to put a plan together because I knew it would be easy for the meeting to quickly turn into a 'bitch session,'" Van Donsel said. "Most of the items are things the board has discussed at one time or another but never taken formal action to address. While these are things that we need to

focus on, it's also intended to be a guide for the city administrator – a direction the board feels he should take. Of course, we will need to prioritize because it can't all be accomplished at one time – but it's a start."

Van Donsel's multi-faceted proposal included suggestions to help the city develop a long-range capital improvement plan, improve customer relations and inter-office communications, address and manage development and improve the city's financial stability – all things mentioned by aldermen as they went around the table stating their priorities.

Aldermen Larry Buschjost and Judy Neels both voiced concerns about allowing activities at special events that were prohibited by city code at any other time.

"And we can't continue making snap decisions – operating the city on a 30-day schedule. We need to pull together and work together to make this a long-range, cooperative effort," Bushjost said, as others nodded. "We need to decide where

we want to be in one year, five years, 15 years and stop this day-to-day knee-jerk reaction approach to city government."

Neels also suggested meeting with business owners to identify their concerns and asked aldermen to allow City Attorney Roger Gibbons to look into road district issues to determine if the city could recoup some of the tax dollars getting turned over to those districts. She also said she wanted to avoid looking at layoffs to reduce spending.

"If we cut the workforce, we just place additional burden on the rest of the employees," she said.

Susan Drummond said she was in favor of anything that would result in a more professional attitude when staff dealt with the public and Don Langley asked for better cooperation from staff.

"We need more information from City Hall so we can make logical, honest decisions. We need to know more about what's going on because quite honestly, we're only as good

as the information we're fed," Langley said, adding that he'd also like to see more oversight of special committees.

The group also agreed the city should start enforcing laws requiring residents and business owners to hook up to available city services and remove derelict buildings and address annexation issues that have been in limbo.

Van Dee said aldermen's ideas and Van Donsel's long-range plan were do-able but would require long-range commitment and cooperation from the board. He also told aldermen that he wasn't "Superman."

"We'll all have to be involved. This meeting tonight doesn't end the process – it starts it," he said, adding he would study the plan and provide aldermen with details on how the goals could be met at their next session, scheduled for 4 p.m. Oct. 5.

Following is Van Donsel's plan:

Capital Improvement - Develop a long range (3-5 year) Capital Improvement Program

for the city

- Conduct town meetings, focus groups, opinion surveys for public input in order to prioritize city goals

- Inventory and analyze the strengths and weaknesses of the existing municipal infrastructure (streets, lighting, sidewalks, utilities, etc.)

- Provide the Council with a cost-benefit analysis for all the potential projects and alternative improvements

- Submit preliminary plan for group workshops, public scrutiny and discussion in council in five months and the final plan for council within eight months

- Government Relations - Work on a plan to enhance the customer relations skills of all city employees and identify and implement intra departmental communication improvements

- Identify opportunities for inter local cooperation

- Survey city residents on services and results desired, and on satisfaction with existing municipal services

continues on page 7

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Realtors using new 'green' technology

by Nancy Hogland

Smartphone users soon will be able to pull up to properties listed with George and Ebbie Bogema of the Spouses Selling Houses team RE/MAX Lake of the Ozarks, scan a barcode and obtain all the information on that property in as little as 10 seconds.

The electronic home shopping technology uses a Quick Response Information barcodes which will be attached to existing signs or on 8-inch-by-8-inch or larger decals attached to windows, trash containers or other visible locations.

"We're experimenting right now with the size. We would like the code to be large enough to be scanned by someone sitting in their vehicle or boat, but we also want to make it as inconspicuous as possible because for people who live in areas where realtor signs aren't allowed, this would be a great way for homeowners associations to help those residents sell their properties," George said, explaining they frequently get calls from potential buyers who are driving up and down a street, trying to find the unmarked properties. "Those who aren't shopping for real estate won't even know what they are. They could even think they're part of a security

system."

He said each of their listings will be assigned a code that is linked to the Multiple Listing Service (MLS) number. When that barcode is scanned, it will take the shopper to that listing's website, which will include all information about the property, including numerous pictures, as well as the price and all realtor contact information. He also said once the

system is in full swing, it could entirely replace the boxes containing flyers.

"The technology has been around for quite some time but it's never been introduced to this area before. We're pretty excited to be the first," he said. "I really think this is going to be the wave of the future. Everywhere you go you see people using their smartphones. It's a much 'greener' way to get

the information but it's also easier, more convenient and more thorough. We hope this 'out-of-the-box' approach to promoting real estate will help our sellers."

Ebbie Bogema agreed.

"This changes everything! The app is absolutely free for all smart phones and very simple to use. We're pleased to be able to offer consumers a tool that actually allows them to simplify the whole home shopping process," she said.

According to Roger Hulett of Media Buying Consultants, the Quick Response Information code has enjoyed great popularity in Japan for a number of years.

"Right now no mobile phone is sold in Japan without QRI code reader software already loaded on the phone. According to a recent tech study, over 90 percent of all surveyed Japanese use the QRI code to shop in one way or another," he said.

The Nielsen 2010 Media Fact Sheet says the number of mobile Web users is up to 60.7 million (up 33 percent from 2008);

- Smartphones account for 18 percent of mobile devices (up from 13 percent in 2008);
- Eight percent of mobile device owners streamed audio via mobile phones, while 7 percent viewed video; and

- Twenty-five percent of mobile devices sold in Q3 2009 were smartphones; that's estimated to grow to 40 or 50 percent in 2010.

By mid-2011, Nielsen estimates a smartphone user base of 150 million, 300 million mobile subscribers, 120 million mobile Web users and 90 million users watching mobile video. Cell phone-only homes have grown to 21 percent over 2007's 15 percent.

A sample of an active QRI code is provided to demonstrate its capabilities. Bogema said the applications needed to "read" the barcodes can be downloaded free. Some of the more popular apps are KAYWA Reader; Nokia Reader; i-nigma Reader, which is highly recommended for iPhones; BeeTagg; NeoReader and ScanLife, which currently is the most popular for the Blackberry smartphones.

To scan the barcode, simply point the smartphone with a downloaded QRI reader app at this sample code. Users will be instantly taken to the Spouse's Selling Houses website. When scanning Quick Response Information codes against a computer screen or television screen, the flash on phone may need to be turned off to reduce glare and allow for accurate reading of the information.



A sample of an active QRI barcode is provided to demonstrate its capabilities. Bogema said the applications needed to "read" the barcodes can be downloaded free.

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Pictured above, Steve Naught, President of Lake Ozark Daybreak Rotary Club, presents a contribution of \$500 to Rick Huffstutter, Director of Donor Relations for The Food Bank for Central and Northeast Missouri. Daybreak Rotary Club serves more local charities and projects than any other club in the lake area. For more information about Daybreak Rotary, call membership chairman, Aaron Spieler, 573-365-3552 or visit www.lakeozarkdaybreakrotary.org.

Daybreak Rotary members meet every Friday morning at 7:30 a.m. and First Family Church on Hwy 42, in Osage Beach. Guests are welcome and expected!



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Lake-area attraction wins world-wide award

by Nancy Hogland

The front cover of this year's Big Surf Waterpark brochure features a collage of guests' laughing faces and asks "Can you do it all?"

Designed to peak interest in the park, and get former guests to take a peek to see if their photos are featured, the marketing piece also drew the attention of the World Waterpark Association. That organization chose the brochure, designed by Big Surf Business Manager Missy McPheeters, as "Best Brochure Design" for 2010. It was chosen from some 275 brochure designs entered in the category for parks with up to 100,000 annual attendance.

"It was actually a collaborative effort between me and Darin Keim, the general manager," McPheeters said. "He inspired the brochure design when he envisioned using a lot of different pictures of people enjoying the rides and having fun at the

park. I came up with the 'Can you do it all?' phrase to tie it together and went from there."

McPheeters, who has been designing the brochure for five years, said this is the first time she's entered the contest, but quickly added it probably won't be her last.

"The deadline for entering is right smack in the middle of summer, which, as you can imagine, is our busiest time of the year. It's funny – I thought last year's design was even better than this one. Now it makes me wish I had entered before," she quipped, adding that she'll receive her prize – a plaque – at the World Waterpark Association's 30th Annual Symposium and Trade Show, scheduled for October 6 to 10 in San Antonio, Texas.

"I go to the show every year to learn about new rides, products and water safety measures but this is the first time I'll be attending the awards ceremony. It's pretty exciting," she said.



A detail of the winning brochure cover.

Lake Ozark aldermen adopt plan to advance city

continued from page 3

- Survey front-line city employees on barriers to and ideas for matching the best practice in municipal service
- Develop a citizen service plan with clearly established standards in one year
- Within 6 months, report the results of these three steps to the BOA
- Create pleasant surroundings for citizens and institutional redress for poor service
- Develop a team approach that involves all city departments in working together toward common goals in planning all projects
- Enlist consultants to evaluate the potential for team building in city departments
- Establish joint meetings with members of the BOA, department heads and local interest group leaders to establish management cooperative objectives
- Change and improve communication with Lake Ozark citizens, board of aldermen and mayor as well as other city officials and employees. The key elements of success are effective

communication to all, and handling of issues and requests timely and with proper and respectful feedback.

- Track and report on program achievements

Development - Work on the residential, commercial and industrial growth and development of the city

- Publish a quarterly Accountability Report with explicit measures of the city's well-being that shall include:

- New commercial developments as well as commerce lost through relocation, business failure or catastrophe

- Housing starts, residential developments, educational opportunities and zoning changes

- Environmental indicators of city air, water and land quality with special attention to growth-induced natural resource loss and degradation

- Establish public-private partnerships whenever possible in efforts to achieve municipal goals

- Work with the Bagnell Dam Strip Association, Lake Area Chamber of Commerce, Lake Area Visitors and Convention Bu-

reau, committed development and investment concerns and the various home owner associations and others involved in the economic development in the city to strengthen the local economy through partnerships

Improve The Financial Stability of Lake Ozark - Evaluate deregulation, ordinance reduction, contracting-out and other methods of cost reduction in every spending proposal and every operational department of the city

- Ensure cost effective city operations

- Have each department justify the cost of each program or need during the budgetary process

- Evaluate deregulation, ordinance reduction, contracting-out and other methods of cost reduction in every spending proposal

- Provide cost-benefit analysis with each proposal as well as alternatives

- Promote inter-agency/intra-agency cooperation on purchases

- Sell or dispose of unused, unneeded and unjustified city property and equipment

- Monitor and report quarterly to the BOA on insurance/risk management of the city

- Work to actively improve the fire insurance rating of the various areas of the city.

- Actively pursue state and federal grants and loans

- Promote Lake Ozark

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Realtors say: Vote 'Yes' for no new transfer tax

by Nancy Hogland

In November, registered voters in Missouri will have the opportunity to adopt a constitutional amendment that would prevent the government from tagging a transfer tax on to the sale of real estate.

According to Karie Jacobs, president of the Bagnell Dam Association of Realtors, the tax, which, in some states, is as high as 2 percent of the total sale price, is charged to the seller in addition to the normal closing costs. Typically, once the tax is on the books, the rate can be increased by the state, city or county without a vote of the people, she said.

"As government agencies continue to experience shortfalls, we felt it was better to take a proactive stance because real estate is often looked at as a 'cash cow.' As an association, we feel that Missouri homeowners already pay property tax so charging an additional

tax when that real estate sells would be double taxation. And it's charged regardless of whether you made a profit or sold at a loss," she said, adding that polling found more than seven-in-ten Missouri registered voters support Amendment 3.

To get the word out to the community, Jacobs and other members of the association are trying to speak to as many clubs, organizations and civic groups as possible in the weeks leading up to the election. She said the presentation would last 5 to 10 minutes in addition to any question-and-answer time. To schedule a speaker, call Cindy at the association's office, 573-348-4288.

Jacobs said 37 states, including all of Missouri's neighboring states, and the District of Columbia currently impose transfer taxes or their equivalents.

"Even though Missouri is not now collecting the tax, it is currently allowed under our con-

stitution. We need to head off the temptation to politicians to start collecting it," she said, adding that because the state can comply with the Hancock Amendment and raise taxes without a vote of the people up to about \$90 million per year, it did not offer protection against the transfer tax, as some have suggested.

The Missouri Association of Realtors (MAR), which fought to get the proposal, "Amendment 3," on the ballot, labels real estate transfer taxes as "family-unfriendly." In a talking points memo, the group states small farms and family homes that have been passed down for generations would be subject to the tax. "And such a transfer tax would be imposed before the federal government takes its 50 percent 'death tax' bite on family properties" the memo reads.

The MAR memo also addressed the impact of the Amendment on the Fair Tax

proposal that has been debated but not enacted by Missouri lawmakers. The Fair Tax would replace the state income tax with a sales tax on certain items.

"Regardless of where you stand on the 'Fair Tax,' we can all agree that the same piece of property should not be taxed twice," the memo reads. It also states because the taxes are not now being collected in Missouri, and Amendment 3 would keep it that way, there would not be a new fiscal impact, making Amendment 3 revenue-neutral.

Jacobs said the wording of the ballot initiative is straightforward. It reads: "Shall the Missouri Constitution be amended to prevent the state, counties, and other political subdivisions from imposing any new tax, including a sales tax, on the sale or transfer of homes or any other real estate?"

"Of course, Missourians should vote 'Yes,'" she quipped.

In order to place a constitutional amendment proposal on a statewide ballot, supporters must obtain signatures of qualified, registered voters equal to at least 8 percent of those who voted in the last election for governor, in six of Missouri's nine congressional districts. The MAR began collecting signatures early last spring but when the petitions were turned in to Secretary of State Robin Carnahan, she said supporters failed to reach their goal in two of the districts. However, Cole County Judge Paul Wilson said the amendment supporters had more than enough valid signatures of registered voters to qualify and ordered Carnahan to notify all election officials to add the amendment proposal to November's ballot. Two days after announcing she would appeal the decision, Carnahan announced she would not fight the decision.



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Your Finances

Be Prepared for Return of Estate Tax

There's never really a bad time to do estate planning. But in the months ahead, you may have an extra incentive to look at your estate plans. Why? Because changes are coming to estate tax laws — so you'll want to be ready.

Change is nothing new in the world of estate taxes, which have been in a state of flux for years. As the law now stands, there is no federal estate tax in 2010. Then, in 2011, the estate tax is scheduled to return, with an exemption amount of \$1 million and a top rate of 55 percent. Yet, these figures are highly likely to change; ultimately, we may see a return to what existed in 2009: a \$3.5 million or \$5 million exemption and a top rate of 45 percent.

Of course, your susceptibility to the estate tax will depend on the size of your estate. But no matter what your level of assets, you'll want to have your estate plans in order. First of all, you almost certainly need a will. You'll also need to make sure you've named the proper beneficiaries in all your legal documents.

Now, let's return to the estate tax issue. Specifically, how can you help reduce any potential estate tax burden your heirs may face? Here are some ideas to consider:

* Take Advantage of Your Exemptions. You and your spouse each receive an exemption from the federal estate tax. As mentioned above, this exemption could be anywhere from \$1 million to \$5 million, starting in 2011. To maximize these exemptions, you may want to create a credit shelter trust. In a nutshell, here's how it works: When you die, you fund a credit shelter trust with assets equal in value to your available exemption; if you have other assets, you can leave them to your spouse, free of estate taxes. Your surviving spouse can draw income from the trust's assets while he or she is alive. Upon his or her death, the trust disperses the assets to your children or other beneficiaries, taking advantage of your original estate tax exemption. Your spouse's estate will also disperse assets to beneficiaries, using his or her exemption to reduce or avoid estate taxes.



Tony Reahr
Edward Jones Financial Advisor
573-964-5712

* Use Life Insurance. If you owned a \$1 million dollar life insurance policy, and it was subject to an estate tax rate of 55 percent, your beneficiaries would receive a death benefit of just \$450,000. But if you established an irrevocable life insurance trust (ILIT) with a new insurance policy, the trust would own the policy and distribute the proceeds to the beneficiaries you've chosen. By using an ILIT, you'd keep the life insurance out of your taxable estate.

* Give generously. You can give up to \$13,000 per year to as many individuals as you like without incurring gift taxes. And the more you give, the lower your taxable estate. You can also reduce your estate by making gifts to charitable organizations.

Keep in mind that estate planning can be complex. You will need to work with your legal and tax advisors before establishing any type of trust or other estate-planning mechanism. And with the looming return of the estate tax, there's no time like the present to get started.

Edward Jones, its associates and financial advisors are not estate planners and cannot provide tax or legal advice. Please consult your attorney or qualified tax advisor regarding your particular situation. For a free review of your annuities and insurance: contact Tony Reahr - Licensed Insurance Specialist, Accredited Asset Management Specialist and Financial Advisor at Edward Jones Investments in Lake Ozark, 573-964-5712.

Get Informed-Make Your Voice Heard

The Heart of the Ozarks Professional and Business Women are excited to partner with the Lake Area Chamber of Commerce to bring an interactive Candidate Forum to the community.

There are still several close races leading into the General Election on November 2, 2010. We have invited all of the contested race candidates from the local to federal level to participate in the forum. Predetermined questions

will be asked each candidate and they will have the opportunity to respond. The audience then will be given the opportunity to voice either their agreement or opposition to the candidate's position by displaying either a red or green paddle. This is a great opportunity to learn more about those who are competing for the right to represent you in the legislature and where they stand on what matters to you.

Join us on Wednesday, October 6, 2010, from 6:00 p.m. to 7:30 p.m. at Seven Springs Winery 846 Winery Hills Estates in Linn Creek.

For further information regarding PBW visit www.pbwlakeoftheozarks.org or contact Michelle Cook at (573) 964-1008. To make reservations contact Tammy Rosenthal at tammy@francampbell.com or (573) 302-2390.

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Annual CADV/VOC Fundraiser October 13

Citizens Against Domestic Violence/Victim Outreach Center's ninth annual brunch will be held on Wednesday, October 13, 2010 at the Lodge of Four Seasons Granada Ballroom from 11 a.m. to 1 p.m. This event is the single most successful fundraiser for CADV/VOC, providing vital funds to serve the local community.

Money raised through the event supports the general operating funds for CADV/VOC. Serving Miller, Morgan and

Camden counties, CADV/VOC is a not-for-profit domestic violence shelter and sexual assault response center. The organization offers various services including a 24-hour hotline, support groups, crisis intervention, food, shelter, advocacy and support to victims of domestic and sexual violence.

Area chefs will again prepare special dishes for the annual event; tables will be decorated to fit the theme.

Tickets are now on sale at

CADV/VOC and may be purchased for \$20 per person. For more information on the brunch or to participate as a chef, hostess or table sponsor please contact CADV/VOC at 573-346-9630 or send an e-mail to angie@cadv-voc.org. Sponsorships are also available and qualifying individuals and businesses may be eligible for a 50 percent tax credit. Contact CADV/VOC at 573-346-9630 for information.

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Water Quality, Lake Ozark & Our Economy

One thing I have learned in my firm's 7+ years of working in the Lake area is that the Lake's economy is very good for Missouri. Our visitors come by the thousands from neighboring states many times a year and spend a generous amount of money with each trip. To ensure this trend continues those of us that call Missouri home must work hard to find economical ways to protect this asset by developing responsibly and improving what has already been developed.

Last month's water symposium hosted by Missouri's Attorney General was a good start to developing a realistic strategy of managing wastewater produced by those of us with homes or condos near the Lake. Over the course of the two day event we heard from scientists, economists, engineers, local officials, and even a State Senator about their particular area of expertise. It is events such as this that starts a positive dialog to managing issues that are important to all Missourians.

My first customer at the Lake, the Gravois Arm Sewer District, has always told me that a 'perceived' problem with the lake's water is just as bad for the Lake as a real, documented problem. I believe this and only have to look at the Gulf Oil Spill this summer as an example of what 'perception' can do to tourism. Let's all keep these folks in our prayers and hope they have a better season next year.

Managing the sewer situation at the Lake is going to be a great challenge. We have to be vigilant in maintaining the commerce we already have and use the clean



Stan Schultz

water campaign as a tool for developing more commerce. The Governor's order to post all beach closings has proven many bodies of water in Missouri have more problems than the Lake. We need to use this information along with a proactive approach to improving overall water quality as a catalyst to bringing more tourists to the Lake in the coming years.

Missouri has the best natural resources in the Midwest and protecting them should be one of our state's most important functions. I know all of us who love the Lake will agree and work in unison as this clean water campaign begins to have positive results. We just have to stay engaged to ensure the outcome is proactive and not reactive.

Stan Schultz owns Schultz and Summers Engineering in Lake Ozark Missouri. If you have any questions concerning water or wastewater management, flood certification, property surveying, dock permits, or commercial site development and design you can reach Stan at 573-365-2003 or email sjschultz@schultzandsummers.com or visit www.schultzandsummers.com



Camdenton Optimist Club President Chic Oostendorp introduced Bob Lynch, Area Engineer for Missouri Department of Transportation, who explained progress made and expected completions of area highway construction projects. Optimists meet at Noon on Mondays at RJ's Restaurant. Visitors are welcome.

Lake of the Ozarks Watershed Alliance 2DamDays and just for fun

The LOWA meeting regularly scheduled for September was canceled in order to allow time to prepare for this exciting, first-time ever event at the Lake of the Ozarks.

First Annual Paddle Event

2DamDays Paddle Marathon and the Just for Fun Paddle Race are co-events organized by the Lake of the Ozarks Watershed Alliance. The next scheduled LOWA Public Meeting will be at 6:30 PM on October 18 at the Inn at the Grand Glaize in Osage Beach MO. The agenda will be sent to you soon.

Meanwhile, come join the fun. In addition to the on-the-water events mentioned above, we will have a real old-time festival, a water quality festival, at Captain Ron's Saturday afternoon and evening on September 24. In addition, there will be a kick-off celebration Friday from 4 PM to 8 PM Sept. 24 in Warsaw at the Community Hall at Drake Harbor and a winners award celebration on the Bagnell Dam Strip across from Iguana Watersports Sunday afternoon.

Come to one or all three events. It is very important to us and to the racers that many spectators be at all locations to cheer the racers on and to cheer their victories.

But double your fun and join in on the fun-on-the-water as well as the fun at Captain Ron's where you will hear great music and be able to enjoy great food as you cheer the racers home.

Just for Fun Paddle Event

All who love to be on the water should join the Just for Fun group as they paddle from the Half-way Inn to Captain Ron's, a distance of about 12 miles. You can paddle "all-out" to lead the pack with your

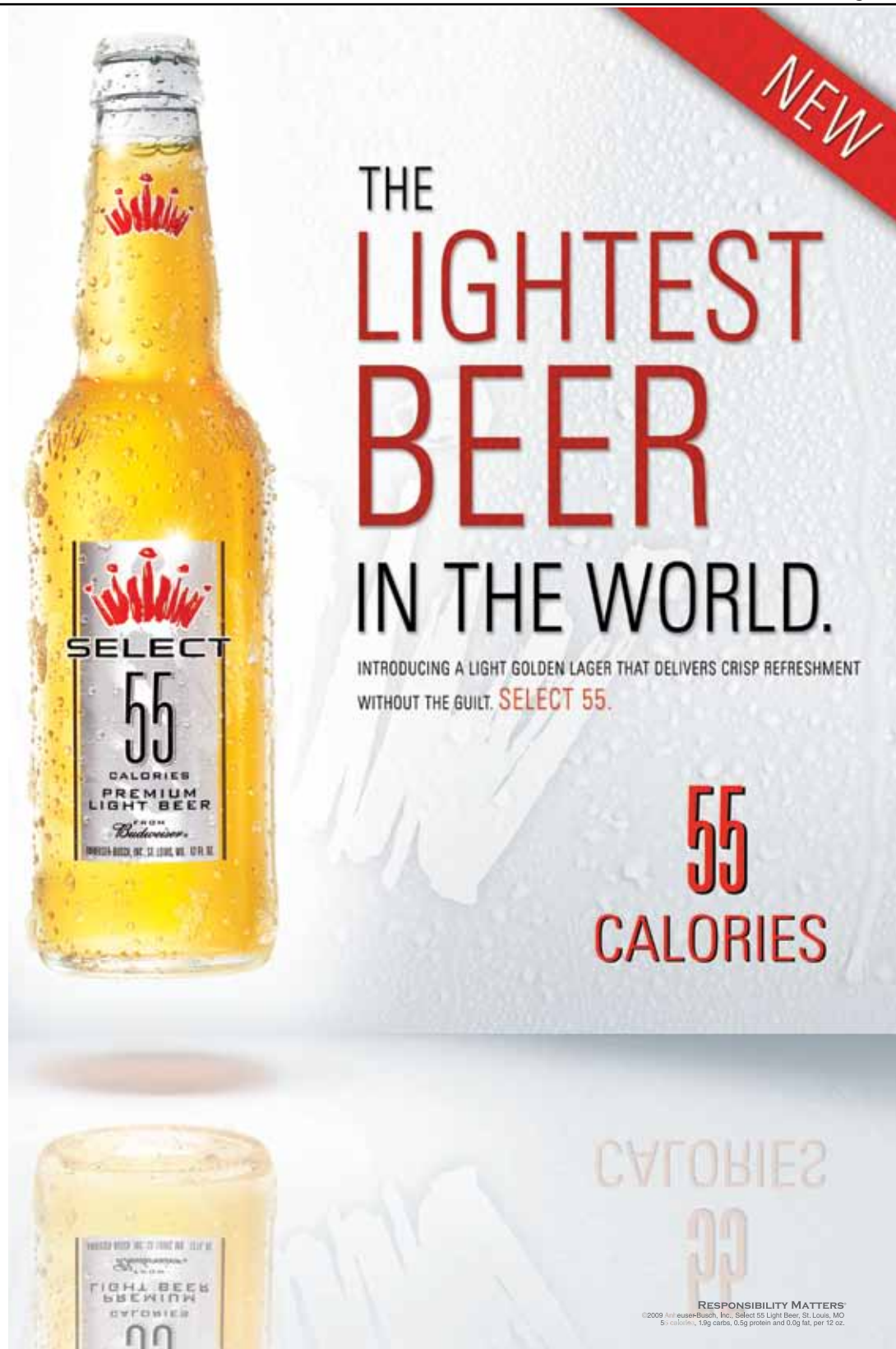
competitive drive or, like some of us, paddle instead at a leisurely pace and enjoy the ride. The Just for Fun event requires a donation to LOWA of \$25 per paddler if paid before Saturday and \$30 if paid on Saturday. You must be at the Half-way Inn prior to 9 AM in order to attend the mandatory safety meeting so why not come even earlier and enjoy a good breakfast. If you don't own a canoe or kayak but still want to paddle, we will have a few canoes available that can be rented for \$40, but you best call ahead to reserve one to make sure it will be available. For more information on this event, go to www.2DamDays.org

2DamDays

So far as we know, none has ever paddled from the Truman to the Bagnell Dam in two days. We are about to find out if anyone can. But, based on the elite racers who have registered, we have no doubt but what this will be done next week-end. One of the racers is a two-time Olympian paddler who has been described by other paddlers in-the-know as "...the baddest paddler who ever lived!" Another registered paddler came in first last month at the prestigious MR340 Paddle Marathon in which paddlers raced from Kansas City to St. Charles. Our paddler made it in a day and a half.

We hope you can feel our excitement and will come join us this week-end for what we think will become another Lake of the Ozarks classic event. Come join us so that you will be able to tell your grand-children, "Yep, I was there the first time it was ever held!" You will never get that chance again.

To learn more about this week-end's big events, go to: www.2damdays.org



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Economy uppermost in minds of adults

by Nancy Hogland

According to a recent Gallup Poll, the economy is still the number one concern of Americans. Either the economy or jobs has been the top issue mentioned in monthly Gallup Polls conducted since February 2008. Prior to that, most Americans expressed concern about Iraq.

This poll, conducted Sept. 15 to 16 among 1,019 adults age 18 and older, asked responders to name the most important problem facing the country. Economic conditions topped the list, named by 33 percent of those contacted; unemployment and lack of jobs followed with 28 percent of respondents and dissatisfaction with government was listed by 11 percent of Americans.

Other issues mentioned:

- Healthcare 6 %
- Immigration 5 %
- Ethical/Moral decline 3 %
- Wars/Fear of war 3 %
- Lack of money 3 %

But while the majority agreed on the problems, they were not in unison on how to solve the issues facing the country. When

asked which party would better handle the problem they think is most important, 40 percent said the Republican Party and 38 percent said the Democratic Party.

There is also a difference in opinion as to which party would best handle jobs and which would best handle the economy. Those who cited the economy as the biggest concern chose the Republic Party as the one that could provide the best fix. Those who said the lack of jobs was the top issue felt the Democratic Party would be better at solving the problem. Gallup stated the "tracking of 2010 election voting preferences continues to suggest that Republicans' electoral prospects are better than those of the Democrats."

The results for this Gallup poll were based on telephone interviews with a random sample of 1,019 adults, aged 18 and older, living in the continental U.S. Interviews were conducted with respondents on both land-line and cell telephones.

For more information on this Gallup Poll or on others visit www.gallup.com.

Sponsorships Available for Annual Hospital Ball

Sponsorships still are available for the 34th Annual Lake Regional Hospital Ball, scheduled Saturday, Oct. 2, at the Country Club Hotel & Spa in Lake Ozark. Decorations and dinner will be based on this year's theme, "In Windy Chicago Style."

The evening will begin at 6 p.m. with cocktails and music by the Fred Wackenhut Trio. Dinner and dancing will follow with entertainment by Lenny Klinger and Galaxy.

In addition, a drawing will be held for a Chicago getaway, which includes four nights' hotel accommodations and a

\$100 gift certificate to Girl & the Goat, a restaurant featured on the ball menu.

Proceeds from the ball will help fulfill the Auxiliary's \$300,000 pledge to help renovate a Cardiac Cath Lab suite at Lake Regional Hospital in Osage Beach.

Sponsorship packages range from \$500 to \$10,000. All sponsors will receive preferred seating. Tables will seat 10.

For more information, contact Kitty McCarthy at 573-348-8264. To learn more about the Lake Regional Hospital Auxiliary, visit lakeregional.com/ volunteers.

"Insurance Talk"

with **Ron Hall of Golden Rule Insurance**

Medicare Review

Medicare provides coverage to almost 44 million people (age 65 or over and those under 65 on Social Security Disability).

Traditional Medicare. Part A covers inpatient hospital care, skilled nursing care (up to 20 days), hospice, and blood. Part B covers doctors services, preventative and diagnostic services, and durable medical equipment.

Medicare members pay a monthly premium for Part B coverage. \$96.40 for current Medicare members having their premium withheld from the monthly social security check and annual incomes under \$85,000. \$110.50 monthly for all others.

Medicare Part C. Called Medicare Advantage. Must cover at least what Medicare covers. Members continue to pay Part B premium plus the Part C premium if there is one. Out of pocket costs may vary by plan. Medicare members cannot have a Medicare Supplement and a Medicare Advantage plan simultaneously. Medicare Advantage plans may or may not include the members Part D drug coverage.

Medicare Part D. Outpatient prescription drug benefit for Medicare beneficiaries. Plans vary by premium, benefits, co-pays, covered drugs, etc. Plans must be equal or greater than standard medicine coverage.

What is a Medicare Supplement? Plans designed to cover the



Ron Hall

gaps in Medicare Coverage. Sold by private insurance companies. Guaranteed renewable. Clients can see any doctor who accepts Medicare. Medicare Supplement plans are currently "standardized" meaning each of the plans (A-N) are standardized from carrier to carrier, making the only difference the plan premium.

Medicare Supplement Modernization. Summary of June 1, 2010 changes: Plans E, H, I and J are eliminated. Plan G's excess doctor charges are increasing from 80% to 100%. Plans M and N were created to offer lower premium plans in exchange for higher cost sharing by clients. A hospice benefit is being added to the core benefits.

Ron Hall is an agent with Golden Rule Insurance Agency in Osage Beach. He can be reached at 573-348-1731 or ron@goldenruleinsurance.com for additional comments or questions.

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Getting Your Car Ready For Winter

It's hard to imagine, but we all know cold weather is just around the corner. Here are a few tips that can save you money by protecting your car & time, so you're not left standing in the cold. Change your anti-freeze. You should use a 50/50 mix of anti-freeze & water in your radiator to prevent your car's engine, radiator and hoses from freezing. Change your oil & have the tires checked. If your tires lose traction when you break hard on wet roads or when accelerating uphill you'll need to inflate your tires.

Tires shrink in cold weather. If your battery is 3 years or older have it checked by a technician. Cold weather is hard on a battery & there's no warning before they



Jason Hulett, President

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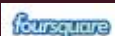
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Disagreement over building code compliance

by Nancy Hogland

The city of Lake Ozark and the Lake Ozark Fire Protection District are entering into an agreement, handled as an attachment to an existing city ordinance, designed to avoid duplication of services and reduce confusion, costs and inconvenience to the public.

The agreement, which can be terminated at any time with 30 days written notice, acknowledges that while both entities have concurrent jurisdiction regarding enforcement of building codes within city limits, the fire district grants the city full authority for all inspections of one and two-family residential dwellings subject to the following conditions:

All building permit applications for those dwellings must be made through the city with all fees collected and retained by the Lake Ozark however the city is required to provide the district with a copy of all applications within three business days.

The city will conduct inspections for all the dwellings covered under the agreement but will provide the district with copies of all inspections, plans and drawings relating to those inspections and will also allow the district to participate in plan reviews with respect to fire-related issues.

On inspections other than one and two-family dwellings, permit applications will be made through the district, which will collect permit application fees and be responsible for all inspections. However, the contract states entities will jointly review plans for all commercial projects and jointly conduct inspections when both parties are needed.

The city agrees to enact and adopt the 2006 International Fire Code and the 2003 Life Safety Code as adopted by the district and will enforce all portions of that code as well as any additional city building codes. In the event the district's and city's codes conflict, the most stringent will be enforced.

The city agrees to employ a building inspector certified through the International Code Council (ICC) as a residential and commercial inspector or require the building inspector to become certified within six

months of employment, during which time the district will perform inspections.

The city administrator and building inspector will meet on a quarterly basis with the fire chief or his designee to address questions or concerns either party may have.

Each party will notify the other of any fire or other damage within 24 hours of discovery by written notice.

The first reading of the agreement, held Sept. 14, was adopted three to one. Aldermen Judy Neels, Don Langley and Jeff Van Donsel voted for the measure; Aldermen Robert Davis voted against it; Aldermen Larry Buschjost and Susan Drummond were absent. The second reading and vote was scheduled for Sept. 28, the day this issue of the *Lake of the Ozarks Business Journal* went to press.

Davis said he was against the measure because of the phrase

pens when new codes come out pushing sprinkler systems and we don't want them but the fire district does?"

Jim Doyle, fire marshal for the Lake Ozark Fire Protection District, said when they adopt the 2012 ICC codes, which require sprinkler systems in all newly constructed single-family homes, the city can "opt out," but added that he wouldn't recommend doing that.

"The requirement is there for a reason. Greater minds than ours have put these together. If the city decides to delete that section and they have a fire – especially if someone dies – I expect there will be one heck of a lawsuit filed against them," he said.

Davis said he opposed the systems because of the added cost to homebuyers and the extra measures that would be required to provide on-site water to power the sprinklers.

"In the past, we've gone behind their (Lake Ozark Fire Protection District) inspectors and found instances where they've approved shoddy work," Davis said. "So whose codes will builders be required to follow? Who gives the ok for an occupancy permit? I don't see anything but problems ahead."

**Alderman Robert Davis
and Chief building official for the Village of Four Seasons**

stating the two entities have "concurrent jurisdiction regarding the enforcement of building codes within the corporate limits of the City of Lake Ozark..."

"What if we issue an occupancy permit to someone and then the fire department comes back and says the building doesn't meet their requirements? Who has the final say? By stating that we have 'concurrent' jurisdiction, we're acknowledging they have just as much right as we do to approve or deny a permit. And when you say both parties are allowed to review 'fire-related issues,' you're opening the door to anything. I just don't want this to cost our developers and then ultimately any home buyers a lot of money if the district starts making a lot of demands, which this agreement allows them to do," he said. "And what happens

when new codes come out pushing sprinkler systems and we don't want them but the fire district does?"

However, Doyle said in municipalities like Lake Ozark and the Village of Four Seasons, where adequate public water is available, that system would serve the needs of the system. In areas not served by public water, a tank the approximate size of a water heater, would supply the system's demands.

"Of course, it's based on the size of the house but a one-story home with less than 2,000 square feet could require as small as a 91-gallon water supply to feed water for seven minutes. And a generator is not required. The new systems are operated on a pressurized tank," Doyle said.

He said unbiased information about the systems could be found on www.fireteamusa.com. "Proof that they work was recently seen in a fire at Harbor Towne Condominiums. Some-

one put food on to cook, forgot about it and left. It caught on fire but the sprinkler system put it out before much damage was done. Yes, they had water damage. Yes, the condo below them had water damage but water dries out. You can't replace a life."

In the meantime, although the fire district has developed the agreement with Lake Ozark, because nothing has been put in place with the Village of Four Seasons, Doyle said he will be conducting inspections in the Village on all buildings.

"Since 1986, when voters approved a measure that required inspections, we were taking care of all inspections. Then around 2005, 2006 the Village decided to get into the business and we backed off. However, because we've been having a difficult time working with them – getting copies of permits, plans, etc. – we decided we'd require

entered into a new computer system that will be on board fire trucks and linked to GPS tracking systems mounted on firefighters' helmets.

"Then when we have a fire and have to send them in to rescue someone, we'll be able to guide them through the house with this system. We're not doing it for the money – we only charge 20 cents per square foot. We're doing it for safety," he said.

However, Davis, who is employed as chief building official for the Village, said he believes the fire district is in it only for the money.

"You can quote me on this. I think the fire district is just looking for a way to fund their fancy GPS units. What can Mr. Doyle do that I can't do? I've spent hours and hours in training and the Village has adopted even more stringent codes than the fire district. Code allows 24-inch centers with 7/16 plywood on roofs; the Village requires 16-inch centers with 5/8-inch plywood. Code says smoke alarms are required in bedrooms and living areas; the Village went a step further and also orders them installed in the attic and garage. The fire district allows electrical panels to be installed anywhere; we require them to be in a locked room and power can't be connected until the electrical box is code compliant. In the past, we've gone behind their inspectors and found instances where they've approved shoddy work," Davis said. "So whose codes will builders be required to follow? Who gives the ok for an occupancy permit? I don't see anything but problems ahead."

However, local developer Larry Oth said while he understood the concerns of both parties he and other reputable builders in the area would welcome two inspections, stricter codes and probably wouldn't even mind two sets of fees.

"That will protect us further from lawsuits. I'm grateful that more people will be going behind me looking at everything I do. To me, the more eyes looking at my work, the better. That's how I'll know that I did everything right – as another builder said, that's how I'll be able to sleep at night," Oth said.

our own permits and conduct our own inspections," he said. "I've seen too many homes in the Village sell for phenomenal prices yet they don't have minimal fire safety measures. We want to change that."

Doyle said he wants copies of plans because he wants to know how homes are constructed and how long they can be expected to withstand a blaze.

"That gives us a knowledge base. For years, builders used 2-by-10 dimensional lumber for floor joists but in recent years they've been going with lightweight I-joist construction which still holds the weight but burns much faster. When I send my guys into a burning building, I want to know how long that floor is going to hold," he said.

Doyle said he also wants access to plans so they can be

Celebrity Sand Volleyball Tournament raises \$1200 for charity

The LO PROFILE Celebrity Sand Volleyball Tournament was held in conjunction with the 22nd Annual Shootout at Captain Ron's. Eight teams participated in the two day tourna-

ment. Surdyke Yamaha was crowned champion. This tournament helped raise money for the charities of each teams choice, with a total donation of a 1,200 dollars to different charities.

Ask your mortgage professional

What Is The American Dream? What Is The Economic Reality Of Home Ownership?

Is owning your own home still the American Dream? Many Americans are asking themselves this very question. In a recent Fannie Mae survey 70 percent said now is a good time to buy real estate. So why are so many Americans sitting on the sidelines of the real estate market?

Meanwhile foreigners are coming to the US to purchase homes in record numbers. Canadians are purchasing homes in Arizona and Florida at record numbers and most often paying cash. So why are so many Americans afraid to purchase a home?

The number one reason is they do not think they qualify for a mortgage! But many have not even tried to see if they meet the standards necessary to obtain financing. Many potential buyers qualify, many with little or no money down. With programs like FHA, USDA and VA you can still get 96.5 percent up to 100 percent financing. These are fixed rate mortgages at historically low interest rates. So your payment will never go up and you have 30 years to pay off the mortgage.

Fear of the housing market and fear of the credit crisis has stopped many from even trying to qualify for a mortgage. There has never been a better time to buy real estate. The homes are at all time affordability and the rates are the lowest they have ever been. Afraid of making a mistake many are steering away from this opportunity. Is avoiding the entire real estate market really the best financial strategy?

Mistakes were made in a boom-

ing housing market and the number one mistake was that people bought homes they simple could not afford. The second biggest mistake was getting the wrong mortgage. Purchasing a home is the single largest financial transaction you will do in your lifetime, so make sure you know what to expect and how to make the best financial decision for your personal success in homeownership. Make sure you are working with a mortgage professional that has the knowledge and experience necessary to advise you.

This may sound funny but I was reading the paper recently and there was this classified ad for a "Free Mortgage Quote" curious about the company I looked up the phone number on the reverse phone look up website and it was an "unlisted" phone number from out of the area. Do you really want to get a mortgage with a company that cannot even have a listed phone number? Think again! Getting the right mortgage strategy will help you in your success as a homeowner. Start out the process with a head start, by using a certified and licensed mortgage professional.

If you have questions or comments please email them to andrew@askandrewconner.com Call Andrew today at 573-302-0600 Website: www.askandrewconner.com Andrew W. Conner is a Certified Mortgage Planning Specialist CMPS® and a Certified Residential Mortgage Specialist CRMS®. Less than 1% of all Mortgage Originators in the USA have these certifications. Andrew's areas of expertise are Mortgage Planning, Credit Repair Counseling, Cash Flow Management, and Real Estate Equity Management. As a Certified Mortgage Professional, Andrew has the knowledge and experience to ensure you will get the best mortgage strategy to fit your individual financial needs.

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Simply a Wonderful Dining Experience!

Entrepreneur turns dream into 160-acre reality

by Nancy Hogland

Mike Bleile grew up watching his grandfather create home-made wine. Grandpa's list of favorite wine-making ingredients included watermelon rind, dandelions and assorted fruits—just about everything but grapes.

"In fact, when he made grape wine, he used Welch's Grape Juice and boy, was it sweet," Bleile laughed, adding that although the results weren't always what were expected, and that while the wine making ended years ago, the memories of those happy times with his grandfather lived on in his heart.

About 10 years ago Bleile, who already owned Select Certified Appraisals, a successful real estate appraisal company with offices at the Lake and in Jefferson City, Columbia, Springfield, St. Louis and Kansas City, decided he wanted to carry on his grandfather's legacy – but in a slightly more professional fashion. He began looking for property in the Lake area that would make for a good vineyard.

After a five-year search with a realtor-broker, he finally came

across a 160-acre piece of ground off Y Road in Linn Creek that he thought would perfectly fit the bill.

"It wasn't even listed at the time but I called my realtor, said I had contracts in my vehicle and we met with the property owner – and that was that – Seven Springs Winery was born," he said, adding the name came from the seven springs he later found on the property.

The next couple years were spent clearing and developing the rolling property. At the same time, Bleile attended classes on wine making, researched other Missouri wineries and spent many hours meeting with experts from the University Extension and University of Missouri. Then three years ago he planted 4,200 Vignoles grape vines on some 8 acres and another 1,200 Norton vines on 1.2 acres.

This year he experienced his first harvest.

"About 45 percent of the vines produced and netted us approximately 16,440 pounds of grapes, which is a very, very high yield for that number of vines," he said,

adding that his 12-year-old twin boys were largely responsible for bringing in the harvest. "My dad also helps in the winery. This definitely is a family run business."

Those recently picked grapes are now going through a barrel-aging and fermenting process, getting ready for bottling next year. Bleile said he has about three-quarters of the equipment he needs to accomplish the task.

"I actually have only one more component to buy – a Glycol system, which is just a gas refrigerated system that keeps the wine at a constant 61 degrees as its going thru the fermentation process," he explained. "Next year, all the whites will be made and bottled in house."

Bleile, who admits to being a fan of wine and the relaxed atmosphere of wineries, wanted to create a place for his customers to enjoy the same so the grounds also offer a newly added gazebo in the vineyard where wine tastings are held, an outdoor patio that seats 180 and an indoor restaurant that seats 300 featuring everything from "nibblers," light fare and hand rolls to prime rib,



seafood and char-grilled pork steaks. The menu, which changes weekly, even includes special "just for kids" items with suggested pairings of Concord grape juice made from Missouri's own. Live music is presented every Friday evening and Saturday and Sunday from 1 to 6 p.m.

"Our target market is older adults who are looking for an al-

ternative to boating. The views here are phenomenal, especially in the fall when the leaves are turning; the staff is friendly; we have a peaceful relaxed atmosphere and the wine is wonderful. For me, it's a dream come true. I hope it will be the same for the guests who make their way out to visit us," Bleile said.

For more information, call 573-317-0100 or visit www.sevenspringswinery.com.



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Pictured above, left to right, Steve Naught, president of Lake Ozark Daybreak Rotary, Gail Roth and Mary Jo Doores representing Share the Harvest, and John Berry, treasurer of Daybreak Rotary. Steve Naught presented donation to Share the Harvest to aid in their cause to feed the hungry. Daybreak Rotary meets weekly on Friday mornings at First Family Church in Osage Beach. For more information about Daybreak Rotary you may contact Aaron Spieler, membership chairperson, 573-365-3552 or visit www.lakeozarkdaybreakrotary.org

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Looking For the Silver Lining?



*Real Estate and Lake News
with C. Michael Elliott*

Prior to the last two years, I subscribed to the fundamental myth that home prices only move in one direction; up. According to Patrick O'Toole, publisher of Professional Builder Magazine, from 1933 to 2007, the national average home price increased every year. During that time, pricing sped up and slowed down in cycles but never failed to improve. Per data from the Bagnell Dam Association of Realtors MLS, from the peak in 2006 to today, the number of homes sold has decreased by 40% and the average sales price has fallen 17.5%. On a positive note, we have seen a 6.4% increase in the number of homes sold in 2010 over 2009 and nationally new housing starts were up 10.5% in August, while the Midwest saw a 21.7% increase. I think we have finally found the bottom of the market and it is a pitiful level but it should grow from here.

As I've said in past articles; if you are in a position to purchase property, the low prices combined with record low interest rates make this a great time to invest. The supply of low priced homes is incredible and with the amount of people looking to rent at an all time high, a portfolio of rental investment properties may also be something for you to consider.

If you are in the unfortunate position as so many people are and are facing foreclosure or looking toward a short sale, please be sure to speak

with a good accountant to get advice on how to structure an agreement with your bank or you could be facing a large tax liability. The amount that the abanks loose in the transaction can be considered income to you.

In the November 2nd election there will be an amendment on the ballot that will constitutionally protect real estate property from a real estate transfer tax. Please be sure to check out this info on my website www.YourLake.com and click on Yes To Save Homes and vote "Yes" on Amendment 3 in November.

If you would like a detailed sales report on your specific property type or neighborhood, or would like to ask a lake real estate question, contact C. Michael Elliott & Associates at 866.YourLake or cme@yourlake.com. View thousands of lake area listings at www.YourLake.com. You can also log your opinions on Michael's real estate blog, www.AsTheLakeChurns.com



Dee Ballard, BSBM, R.N., CEN, SANE-A, SANE-P, with Lake Regional Health System in Osage Beach recently received the 2010 Forensics Award from the Missouri State Council Emergency Nurses Association. The award recognized Ballard for her devotion to caring, compassionate and coordinated patient advocacy. It also recognized her commitment to educate nurses, prosecutors, advocates, EMS and law enforcement about emergency/forensic nursing practice. Ballard works as a nurse in the Emergency Department at Lake Regional Hospital. In addition, she started the Lake Area Sexual Assault Team (SART) in 2007. SART provides specialized care for victims of sexual and domestic violence and child abuse.

GLIMPSES OF THE LAKE'S PAST

With Dwight Weaver

CAPE VIEW RESORT

At the end of Lake Road 5-33 is a long peninsula nosing into Lake of the Ozarks at the 8-mile-mark of the Lake's main channel. A web of roads lead to private homes that front either Buck Creek Cove on the northwest side or Moonlight Bay (originally Cape Hollow Cove) on the southeast side. The tip of this peninsula is known as Galeana Point. It took its name from an 1875 hamlet, now inundated, just off the

point.

Development of the peninsula began early. By the 1940s the two coves were home to a number of small, family-owned resorts such as Island View Resort, Greer's Resort, Cape View Resort, Eagan's Twin Coves Resort, Whispering Oaks Resort and Bass Point Resort. At that time Lake Road 5-33 was called Lake Road 5-16 and the newly erected Hurricane Deck Fire Tower was used by the resorts as a way to direct people to

their Lake road.

Cape View Resort was established about 1947 A. C. Klee. By the 1950s, it was owned and operated by Edward and Lorraine Friday. The resort would prosper and continue in operation until the early 1970s. The photo that accompanies this article features one of the resorts cottages, which were rented by the week for \$50 and could accommodate four to eight guests.

The Klee family was very particular about their guests and included the following text in their brochure: "We cater to family business. We do not allow loud, boisterous or drunken parties. You can bring your family here with the assurance they will not be disturbed. We cater to people who want nice clean cottages. Such people leave clean cottages because they are clean at home. Our cottages are not crammed near each other, so you will be assured of privacy as well as all the other conveniences." ■

This tale is from the collection of H. Dwight Weaver. The photographer and publisher are unknown.

Weaver is the author of four books on the history of the Lake of the Ozarks.

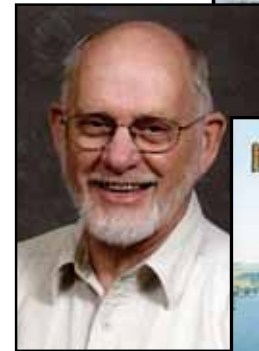
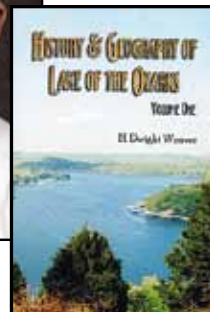
Weaver's new book "Historic Bagnell Dam Boulevard, Past and Present" is designed as two tours, both beginning at the

Dam and moving westward. One tour features businesses consecutively on the north side of the Boulevard, and the other tour features businesses consecutively on the south side of the Boulevard.

"Historic Bagnell Dam Boulevard, Past and Present" is available now at retail locations around the Lake.

Contact him at dwightweaver@charter.net or call 573-365-1171 for more information.

Visit www.lakeoftheoarks-books.com for more information.



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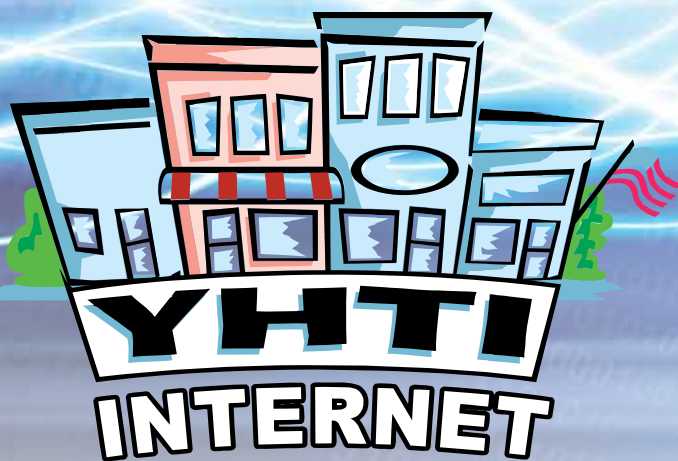
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7th Annual Twenty Ten Can-Do Challenge

The Camdenton Area Chamber of Commerce Christmas on the Square Committee is encouraging all residents of Camden County to get involved by helping fill the empty shelves of the L.A.M. B. House Food Pantry by donating cans and boxed food to your local churches and participating businesses and organizations participating in

the annual "Can Do Challenge. If your group or organization would like to get involved as one of the groups stepping up to take the "challenge", please contact the Camdenton Area Chamber of Commerce at 573-346-2227.

The current economic conditions in Camden County and the forecast of a colder winter

will put a greater demand on the L.A.M.B. House Food Pantry. We also ask you to visit the L.A.M. B. House Thrift Store, 50 Illinois Street across Business Highway 5 and First National Bank. Open 9:30 AM to 1:00 PM, Monday through Saturday the Thrift Store sales help fund the pantry's mission.

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One more chance to review Camden County Master Plan

by Nancy Hogland

Despite a few grumblings from a handful of people who think the plan is too grandiose, Camden County Planning Director Chris Hall said the county's newly completed master plan was well received by the community. The plan, designed to establish a vision for the county to help guide growth and development over the next 20 years, was presented in a public hearing last month. It will be discussed again at the Planning and Zoning Commission's next regular meeting, scheduled for 5:30 p.m. Wednesday, Oct. 20.

"This plan is truly a product of the people. I've been involved in this process two other times – once in Taney County in 1999 and again in Franklin County in 2002 or 2003 and I have to say, this is the best of the bunch," Hall said. "I'm very impressed with the way MACTEC (the consulting firm hired by the county to prepare the plan) put this all together. They took all the input provided by the citizens committee and from the public at the nine different public hearings held throughout the county,

verified that the concerns actually were real and studied the ideas to make sure they were possible, and then incorporated all of it into this plan. We didn't feel we had the right to pick and choose what was important and what wasn't, so if it was 'do-able,' it was included."

The first year of the nearly three-year process included two kick-off meetings where MACTEC representatives provided an introduction to the planning process and allowed those in attendance to define primary issues. A survey was also posted online at Camden County's website asking residents about their concerns. In the meantime, MACTEC looked every facet of the county including everything from infrastructure to school systems and retail centers. Next, visioning workshops were held to allow participants to prioritize community needs and outline their vision for growth. Additional workshops and public hearings were held to get feedback on every step of the plan.

"No one can legitimately say they had no opportunity to provide input on the plan because

that's just not the case," Hall said, adding that the majority of complaints expressed at recent meetings were from a small group of developers in response to the suggestion for Camden County to require better-built roads and sidewalks or hiking and biking trails through future developments – things that would cost

biking trails, we heard that the trails built on Horseshoe Bend and in the Village of Four Seasons are one of the best things that ever happened to this county. They are in use constantly and certainly go a long way in making the roads on the Bend safer," Hall said, adding that although the master plan was simply a

would carry more weight if it was included in the county's master plan."

Hall said while portions of the plan didn't turn out exactly the way he imagined, he thinks MACTEC's methodology was exactly what was needed.

"I'm used to future development maps based on zoning. Because we cover hundreds of square miles, there was no way this plan could have been very detailed but I still expected it to be zoning-based. However, MACTEC outlined urban, suburban and rural with general indicators of where we would want to guide development," he said, adding that the less-restrictive mapping allowed for more flexibility.

The entire plan, including maps, can be seen by visiting www.camdenmo.org, clicking on the "Planning and Zoning" link and then the "Master Plan" links.

Hall said if the planning commission votes to recommend approval after the Oct. 20 public hearing, it will then go to the County Commission for additional review before adoption.



Maps like this one, displaying crash data from 2003-2008 can be found as part of the master plan at www.camdenmo.org.

those developers more money.

However, Hall said because the majority of those issues were brought to them by the fire departments as safety concerns, he is fairly certain they will stay.

"And as far as the hiking and


suggested plan for growth, the ideas it presented may be implemented at some point in the future." By doing that, if a not-for-profit group would want to apply for grants to build trails on state right-of-way, the request

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Melissa Carroll named Vice President



Lake Printing Co., Inc. announced the promotion of Melissa Carroll to Vice President. She will be responsible for sales, marketing, internal communications, staff/departmental assessments, and developing a new mission statement/strategic plan for the company.

"Melissa has been a vital part of rebranding, marketing and sales efforts and we are thrilled to promote her to this position," said Gary Lorenz, Owner/Chairman. Melissa, 36, joined the company in November of 2007 and has shown initiative to advance her position to include management roles in addition to sales. "We plan to identify strengths & areas for growth within operations and make adjustments accordingly in the months and years to come. We are confident that

Melissa will continue to be an important asset to help our company reach its goals," added Steve Truitt, President.

Melissa began working as an Account Executive for LO PROFILE magazine in May of 2007 and soon after joined the Lake Printing team, playing a dual role for both companies over the past three years. Carroll recently resigned her position with the magazine in order to fulfill the additional responsibilities in her expanded role at Lake Printing Co., Inc. Melissa comments, "It has been such an rewarding experience working with the LO PROFILE team, and watching the magazine grow by leaps and bounds. I look forward to continuing to work with publisher, Missy Martinette Hills and her team on the print side of the publication."

Melissa is a 1992 graduate of Fulton High School and earned a Bachelor of Business Administration degree from Columbia College in May of 2003. She is immediate past president and member of Heart of the Ozarks Professional Business Women, a member of the Missouri Society of Association Executives, and participates in many community events.

For more information about Lake Printing, call 346.0600 or visit lakeprinting.com.



The Lake Area Chamber of Commerce was on hand to help announce that Curves of Osage Beach has a new location and new ownership with a ribbon cutting. Mary Ellen Ryder, after buying Curves of Osage Beach, has brought it back to its original location, Stone Crest Mall. For more information call 573.302.0400 or visit Curves at Stone Crest Mall. Pictured along with Chamber Active Volunteer Ambassador from left to right are: (1st Row) Laura Edwards; Sherry Sears, Curves Circuit Coach; Mary Ellen Ryder, Curves Owner/Manager; Theresa Stiers, Curves Circuit Coach; Kathy Albright; John Caran, Lake Area Chamber Board Member. (2nd row) Sue Worthan; Linda Weigel; Schuree Myers; Pat Metz; Karen Conley; Doris Ripperden; Mary Summers, Lotus Wellness Center; Gary Barr, 107.9 The Coyote. (3rd row) Colleen Pierce, Lotus Wellness Center; Suzanne Currence.

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Camdenton Optimist of the Year

The Optimist Club of Camdenton takes great pride in the quality of its membership and its mission to provide hope and positive vision to bring out the best in the youth of our community. Club President John Albright recommended Secretary-Treasurer Dale Fowler for the "Optimist International President's Citation" for outstanding achievement in 2010. Dale was awarded this coveted recognition at a Club dinner at Old Kinderhook Trophy Room Banquet Hall on August 30. President Albright remarked: "Dale Fowler has contributed immensely to the Club's mission of serving the youth of Camdenton and best ex-

emplifies "The Optimist Creed" tenet of "To think only of the

best, to work only for the best, and to expect only the best."



L O Profile announces staff additions



Karen Kahrs

L O PROFILE Magazine is proud to announce the addition and promotion of three Team Members. We are welcoming three new Account Executives on board the PROFILE staff: Paula Bellamy (ReMax team of George and Ebbie Bogema), Karen Kahrs (longtime resident and sales veteran) and Kelsey McDaniel (PROFILE Marketing Development Director). The job of a sales person is challenging and rewarding. It requires one of social skill, knowledge and the LOVE of the product. PROFILE is very fortunate and excited to have these community minded and successful women as PROFILE Representatives.

"Studio M Publishing is



Kelsey McDaniel

growing," states Missy Martinette Hills, Publisher and Owner of Studio M Publishing, LLC and L O PROFILE Magazine.

"As we grow as a company, I also believe every person should grow individually in knowledge, career, self worth and in their dreams. As an employer, my staff is well aware that their personal growth is important to me. I encourage seeking dreams, learning new things and attempting what can't be done and doing it. On that note.... it is bitter sweet that I announce that PROFILE Account Representative, Melissa Carroll will be joining Lake Printing as a Vice President on a full time basis. We wish her much success and congratu-



Paula Bellamy

lations on her way to making dreams come true," Martinette Hills said.

L O PROFILE Magazine is in it's 4th year of publishing at the Lake of the Ozarks. It publishes bi-monthly and has a distribution of 8500 copies state-wide. Studio M Publishing, LLC has been awarded International recognition based on Design, Writing and Over-All Consumer Magazine by the International Academy of the Visual Arts, Mar-Com - Marketing and Communicators Association and the Missouri Association of Publications. "I am so very proud of the team we have and excited about the future that we are about to take on," states Martinette Hills.

US Banks donates \$750



Robert Kellstrom Branch Manager and Vice President of US Banks Local branch in Camdenton Mo. presented a check for \$750.00 to Lake Area Helping Hands Homeless Shelter Treasurer Ron Estep and Manager Mike France. Charitable Giving through the U.S. Bancorp Foundation provides cash contributions to nonprofit organizations in priority areas of affordable housing and economic opportunity, education and artistic and cultural enrichment. Total charitable contributions from the U.S. Bancorp Foundation topped \$20.6 million in 2009.

Ron Estep said "This gift will help us meet out monthly operating budget of \$3000.00. The Shelter is here to help local residents that have hit a rough spot on the road of life. Our residents are evenly split 51% male and 49% female and 20% are children accompanied by one or both of their parents. Last year we had 6,766 bed nights -one person in one bed for one night. So far this year almost 100% of our residents have found work since coming to the shelter. We are here to help people get back on their feet and this money will help us do just that."



The Lake West Chamber was pleased to welcome Edward Jones in Laurie into their membership with a recent ribbon cutting. Edward Jones provides financial services for individual investors in the United States and, through its affiliate, in Canada. Edward Jones embraces the importance of building long-term face-to-face relationships with clients, helping them to understand and make sense of the investment options available today. Edward Jones is headquartered in St. Louis. The Edward Jones interactive website is located at www.edwardjones.com and its recruiting website is www.careers.edwardjones.com Pictured left to right: Lorna Stallman, David Lovell, Bud Kidder, Ellen Lovell, Christal Hill, Jane Golchert, Keith Golchert, Stanley Field, Jacob Sullivan-Financial Advisor, Jess Wadle and Liz Brown.

Custom-Made Bass Rod & Case on Display at Library, Apple Fest and Given Away at Drawing

Ron Driskell, a guild-certified rod builder, will teach the basics of custom rod building at 7 p.m. Monday, October 18 in the library Community Room. The program is free. Children over 12 are wel-

come but must be accompanied by an adult.

One of Driskell's custom built rods valued at more than \$400 will be given away at the end of the class.

Tickets for the drawing may be purchased at the library any time before October 18 or the Apple Festival for \$1 each or 6 for \$5.

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October "Crop" Walk Final Details Nearly Complete

Sunday, October 17th is the day for the lake's first ever "Crop" Walk For Hunger, and most of the planning details are now in their final stages. Walk Coordinator, Bette Taylor of Lake Ozark Christian Church, has released additional information that helps put everything in focus. The "Crop" Walk starts at 2:00pm at "The Cove" Golf Course on HH. The walk is 5K or 3+ miles, and the walk will begin at "The Cove" and proceed to Cherokee Road, and then return to "The Cove." Distance may be added if a final measurement requires lengthening the course.

To-date, eight lake area churches have signed on to par-

ticipate in the walk. They are: Riverview Baptist, Christ The King Lutheran, Harper Chapel United Methodist, Grace Fellowship, Lake Presbyterian, Our Lady Of The Lake Catholic Church, North Shore Baptist, and Lake Ozark

Christian Church. A coordinator and team of recruiters have been established within each church to organize groups and distribute information packets to their walkers.

Locally, five restaurants have agreed participate in the "Crop" Walk by donating a portion of their food sales receipts on selected days to the charity event. Businesses and other organiza-

tions are encouraged to become involved in this international, church-sponsored initiative to reduce global poverty and hunger.

The immediate local impact of the "Crop" Walk will be the guaranteed 25% of all pledged funds going directly to Hope House. The funds will provide a needed boost to area food bank resources this fall, as winter approaches. For more information, contact Bette Taylor at 365-7805 or Lake Ozark Christian Church at 365-3366.



Shop Till You Drop 2010 PBW Women's Expo

Join the Heart of the Ozarks Professional and Business Women as they host the annual Women's Expo Saturday, November 20, 2010 from 10 am - 4 pm at Inn at the Grand Glaize, just west of the Grand Glaize Bridge on Hwy 54 in Osage Beach.

The "Shop 'Til You Drop!" Women's Expo is a special event for mid Missouri women featuring over 70 booths showcasing products, services and resources of interest to women. Admission to the Expo is \$5 plus 1 non-perishable food item. Visit vendor booths from 10:00 a.m. - 4:00 p.m. and enjoy mini-empowerment sessions throughout the event.

All Expo attendees may register to win a "Pamper Me" package. Proceeds from the event benefit the Heart of the Ozarks PBW Local High School Schol-

arship Fund, Non-traditional Scholarship fund, as well as annual donations to local charities assisting women and families.

Booth space is economical and is filling up fast! With the holidays right around the corner, the Women's Expo is a fantastic one-stop shopping opportunity to get everything checked off your list. This much anticipated annual event is one not to miss so mark your calendar now! There is still time to sign up, visit pbwlakeoftheozarks.org or email expo@pbwlakeoftheozarks.org and showcase your business and services to hundreds in the Lake Area.

Heart of the Ozarks Professional and Business Women's mission is to enhance women's lives professionally, politically and personally in the Lake Region.

Lake Regional Diabetes Education Program Receives ADA Recognition

Lake Regional Health System's diabetes self-management program again has been recognized by the American Diabetes Association for meeting national standards. Programs apply for recognition voluntarily, and certificates are awarded for four years. Lake Regional's program first was recognized by the ADA in 2001.

"This process gives us a national standard by which to measure the quality of services we provide," said Tara Randle, M.S., R.D., L.D., CDE, diabetes self-management program coordinator at Lake Regional. "And, it assures patients they will receive quality services at our facility."

The National Standards for Diabetes Self-Management Education Programs were developed and tested by the National Diabetes Advisory Board in 1983 and were revised by the diabetes community in 1994, 2000 and 2007. Programs that achieve recognition status have a staff of knowledgeable health professionals who can provide participants with comprehensive information about diabetes management.

"Diabetes is a very manageable disease when patients have the right information," Randle said. "Lake Regional's diabetes education program gives them the tools they need to manage their condition."



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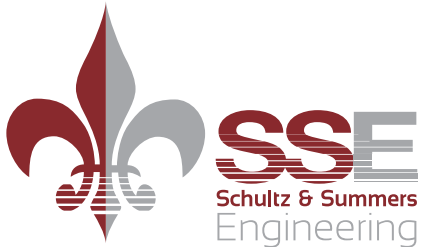


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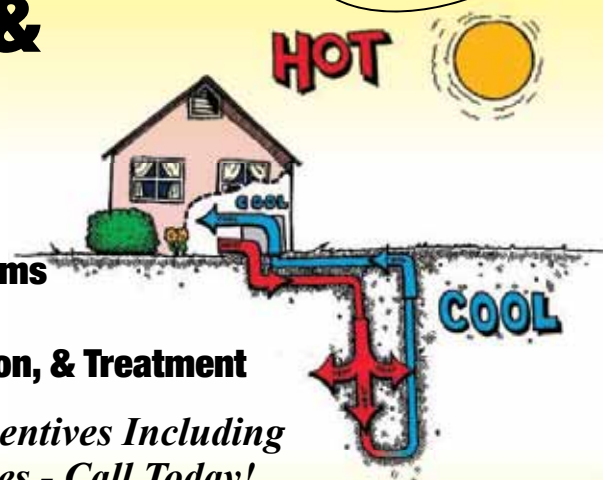
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2005 BAJA 342 - TRL	\$89,900
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1998 SEA RAY 280 - 5.7 - WHT - 331 HRS.	\$33,900
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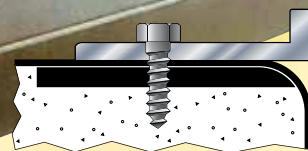
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FOR SALE: CAMDENTON N. HWY 5 COMMERCIAL BLDG & LOTS. Location in the heart of town just a few blocks from the courthouse. Newer 3,800 sqft building, 160ft of hwy 5 frontage currently used for auto/service dealership. Purchase as is or owner will remodel to suit. \$379,900. MLS#3065799. Also available adjacent 200 rdft with 900 sqft existing building. Location suitable for any type of business. Owner will subdivide. From \$89,900 to \$179,900 for all. Build to suit, tell me your needs - owner says bring all offers. MLS 3065800, 3065798, 3065797. Call Bruce Adams (573) 216-4690. Adams & Associates Real Estate (573) 348-5100. www.Adams-Commercial.com.

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FOR SALE OR LEASE: THE BRASS DOOR RESTAURANT. Fabulous location in the heart of Osage Beach with super visibility and easy access from Hwy 54. This famous landmark has been a popular restaurant icon at the lake since the 70's. All furnishings, fixtures and equipment included ready for you to open the doors. This would also be an excellent location for a variety of other businesses. Land value alone is worth the asking price! MLS 3065822. For details on both these projects call Bruce (573) 216-4690. Adams & Associates Real Estate (573) 348-5100. www.Adams-Commercial.com.

FOR SALE: OSAGE BEACH PROFESSIONAL OFFICE PLAZA. Fantastic Hwy 54 location. Newer quality construction with steel roof - 6 units - 2 buildings - 8,300 sf. Quality long term tenants including H&R Block, Beltone Hearing Aids, and other professional firms. Reduced to \$995,000. Investment package available. Call Bruce Adams (573) 216-4690. Adams & Associates Real Estate (573) 348-5100. www.Adams-Commercial.com.

FOR SALE: RETAIL/OFFICE STRIP CENTER. Laurie Landing. Great location in Corporate Woods Business Center. 5 units - All occupied, total 7250 sqft, quality construction, great parking, front & back access. Low maintenance. Good tenants in place. 8% cap rate. \$429,900. Adjacent lots also available for expansion. Bruce Adams (573) 216-4690. Adams & Associates Real Estate (573) 348-5100. www.Adams-Commercial.com.

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Quarry battle over, city looks to recoup costs

continued from front page

According to the several-page ruling, which can be read in its entirety on the city's website, www.osagebeach.org, in May 2007, the Land Reclamation Commission staff notified Magruder the expansion permit met all statutory requirements and their application was complete and the next step would be to provide public notice as is required by law. Soon after notices began appearing in the paper, the Commission began receiving letters from citizens who owned businesses or property around the site as well as from the mayors of Lake Ozark and Osage Beach, requesting a public meeting regarding the application.

In June, the Commission notified those citizens that Magruder had declined to hold an informal public meeting but they had 15 days to request a formal hearing, which they did. The Commission appointed an

officer to conduct the hearing, set for seven days each in March, April, May and June 2008 but in the meantime, in July 2007 the director of the commission issued a formal recommendation to grant Magruder the expansion permit.

Following the hearing, the hearing officer issued a recommended order containing findings of fact and conclusions of law that stated petitioners failed to prove that their health, safety, or livelihood would be unduly impaired by the impact of Magruder's proposed quarrying operations and that petitioners failed to prove that during the five years immediately preceding the date of Magruder's permit application, Magruder demonstrated a pattern of non-compliance with environmental law that suggested a reasonable likelihood of future acts of non-compliance. The hearing officer recommended that Magruder's application be approved, with

special conditions that limited quarrying to 52 acres and forbid the company from blasting closer than 200 feet from the lines. The Commission concurred and adopted the hearing officer's findings of fact and conclusions of law as its decision and Magruder began blasting just a short time later.

Soon after, Attorney Steven E. Mauer, representing the Joint Sewer Board, and Brian McGovern, representing the group of concerned citizens, filed an appeal and requested a stay on blasting until that appeal could be heard. During the appeal process before Judge Frank Conley, Gary Hutchcraft, who manages the sewage treatment plant, testified that the blasting was shattering the delicate ultraviolet lights that treat the sewage before it is released into the Osage River. Hutchcraft also told the judge that the pipes, one of which is more than 20 years old, run just a few feet below the ground and if one of both were ruptured by blasting or crushed by heavy equipment running over them, nothing would prevent millions of gallons of raw sewage from running straight downhill and into the Osage River. He also testified that shutting the lines down would cause that sewage to back up at lift stations and overflow into Lake of the Ozarks.

Judge Conley granted the stay and then in April, ruled the Commission made a misapplication of the burden of proof by placing that burden on the petitioners. Judge Conley also said the order given by the hearing officer, who made mention of information he had found on Wikipedia about the sewage pipe material, contained evidence that was not in the record

and was unscientific. Finally, he said because the original application was not correctly filed, several interested parties were prevented from speaking against the quarry operation. He ruled Magruder must go back before the Commission and re-file its application to start the process over again.

In the ruling from the appellate court, judges stated they reviewed the Commission's actions and not those of the Circuit Court to determine whether the Commission's decision to grant the permit was constitutional; was within the agency's statutory authority and jurisdiction; was supported by competent and substantial evidence upon the whole record; was authorized by law; was made upon lawful procedure with a fair trial; was not arbitrary, capricious or unreasonable; and was a proper exercise of discretion.

Although the judges disagreed with Judge Conley's statement that the incomplete application prevented additional interested parties from joining the case and thus speaking at the hearings, they supported his findings that the Land Reclamation Commission made a misapplication of the burden of proof by placing that burden on the petitioners.

The ruling stated, "The burden of establishing an issue of fact regarding the impact, if any, of the permitted activity on a hearing petitioner's health, safety or livelihood shall be on that petitioner by competent and substantial scientific evidence on the record. Furthermore, the burden of establishing an issue of fact whether past noncompliance of the applicant is cause for denial of the permit application shall be upon a hearing pe-

tioner and/or the director by competent and substantial scientific evidence on the record. Once such issues of fact have been established, the burden of proof for those issues is upon the applicant for the permit.

"If the petitioner produces sufficient scientific evidence of the impact of the permitted activity under this standard, the applicant must then satisfy the burden of persuasion, which is the 'duty to convince the fact-finder to view the facts in a way that favors that party.'" To satisfy the burden of persuasion, the applicant must prove, by competent and substantial scientific evidence, that the petitioner's health, safety, or livelihood will not be unduly impaired by the impact from the permitted activity. In its order, the Commission did not distinguish between the burdens of production and persuasion and, instead, repeatedly stated that Petitioners bore the burden of proof and that the applicant, Magruder, bore no burden.

"Because the Commission failed to apply the burden of proof in accordance with the statute and regulation, its decision was made upon unlawful procedure. Accordingly, we reverse the Commission's decision granting Magruder the expansion permit and remand the cause to the Commission for a new hearing.

Calls were placed to Dean McDonald, vice president of Magruder Limestone, to learn if the company planned to submit a new permit application, as was promised last year, or develop the property into a retail establishment, as was stated during an earlier court date, but they were not returned before this issue of the "Lake of the Ozarks Business Journal" went to press.



In this file photo, the highlighted area shows a drill hole filled with explosives and fuel at the Magruder quarry location. The blasting cap and lines are visible as well. Scores of these lined the rock face in order to blow a section away in a massive rippled explosion. This blasting, the city of Osage Beach says, is responsible for damage to their sewage facility.

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