

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, May 18, 2006

Vice-Chairperson Duker called the meeting to order at 7:00 p.m., with a quorum present. Roll Call was taken by Commissioner Heitkamp.

Present:	Russell Duker, Vice Chairperson	Missouri Township
	Kristen Heitkamp, Secretary	Katy Township
	Carl Freiling	Cedar Township
	Mike Morgan	Bourbon Township
	Larry Oetting	Three Creeks Township
	Michael Morrison	Columbia Township
	Paul Zullo	Rock Bridge Township
	John Schloot	Rocky Fork Township
	David Mink	Public Works

Absent:	Pat Smith, Chairperson	Perche Township
	Boyd Harris	Centralia Township

Also present:	Thad Yonke, Staff	Uriah Mach, Staff
	Stan Shawver, Director	Paula Evans, Staff

The minutes of the April 20, 2006 meeting were approved with no corrections. Approved by acclamation.

Vice-Chairperson Duker read the procedural statement which stated that the Boone County Planning and Zoning Commission is an advisory Commission to the County Commission. The Commission is made up of individuals representing each township of the County and the County Engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one conditional use permit requests, one planned development, and three subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri State Statues to follow its own by-laws. The by-laws provide that all members of the Commission, including the Chairperson, enjoy full privileges of the floor. The Chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the Planning Department staff. At that time, the applicant or the applicant's representative may make a presentation to the Commission. The Commission may request additional information at that time, or later following the hearing. After the

applicant's presentation, the floor will be opened for anyone wishing to speak in support of the request. We ask that any presentation made to the Commission be to the point.

Please give your name and mailing address when you address the Commission. We also request that you sign the sheet on the table after you testify.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the Commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. The agenda tonight may not be lengthy, and while we wish to extend an opportunity to everyone who wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the commission. The Commission will then discuss the matter and may ask questions of anyone present during discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the County Commission. Please note that the Boone County Zoning regulations and subdivision regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, May 30th. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the Planning Office to see if a request that has been denied has filed an appeal as there will be no further public notification due to the short time between the hearing tonight and the County Commission Hearing. The County Commission hearing scheduled for Tuesday, May 30th, will begin at 7:00 p.m. and will convene in this same room.

Vice-Chairperson Duker asked if there were any questions about how the meeting will be conducted.

CONDITIONAL USE PERMITS

1. Request by Boone County Fire Protection District on behalf of Verizon Wireless for a structure exceeding 100 feet in height (proposed height of 166') in the M-LP district, on 2.4 acres located at 5881 S Highway 63, Columbia.

Planner Uriah Mach read the following staff report:

The property is approximately ¼ mile south of the City of Columbia. The property is zoned M-LP (Planned Light Industrial). This property has adjacent C-G (General Commercial) zoning to the south and west, with R-M (Residential Moderate Density) and additional C-G to the north and east, across Highway 63. The property was rezoned to M-LP in 1998. The surrounding zonings are all original 1973 zonings. Its current use is as Station #15 for the Boone County Fire Protection District.

This conditional use permit is to allow for an exception to the height limits as described in Section 9.B (2). The maximum height limit of the M-LP zoning district is 45 feet. Under the previously mentioned section of the zoning ordinance, buildings and structures, when permitted in the district, may be erected to such height as may be authorized by a Conditional Use Permit obtained in accordance with the provisions of Section 15.A. The structure requested, a tower associated with a transmission facility, is permitted in the M-LP zoning district. As described in the application, the tower is to be built to a height of 166 feet. A 1,128 square foot lease area is described in the plans submitted with the application. This area is located along the exterior of the primary structure's southwestern wall. It is described on page A02 of the proposed tower site plans included in the application.

The property is located inside the Columbia C-1 school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and residential land use. Staff notified 16 property owners about this request.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

The subject site is within a primarily commercial and industrial area. The height exception will not impact the surrounding property to a greater extent than the existing uses. Public testimony may be indicative as to whether this criterion can be met.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

This application is for a tall structure in an M-LP district, along with the existing and commercial uses extant in the area, staff does not believe that property values will be affected. Public testimony may differ.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The proposed use will not impede the development of the surrounding area. The areas surrounding the proposal are already developed; additional development in the area is really redevelopment and the current proposal should not impede or be detrimental to redevelopment or to the area in general.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on public streets.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The use is consistent with possible uses of M-LP zoning. However, the Final Development Plan that dictates use and layout of the property must be revised to include the transmission tower use. New review and final plans must be submitted and approved to comply with Boone County's zoning and subdivision regulations before construction of this new tower can begin.

This conditional use permit allows the construction of a structure with a height of 166'. Based on the application materials, the identified location can support a 170' structure and maintain sufficient setbacks as described by the Height Regulations in Section 9.

Staff recommends approval of this conditional use permit, with the following conditions:

- 1) That the structure be set back from the yard lines at least 145 feet, as per the regulations in the Boone County Zoning Ordinance, Section 9.
- 2) That a new review plan and final plan be submitted for approval by the Planning & Zoning Commission and the County Commission. Construction of the structure shall not commence until the Revised Final Plan is recorded.

Present: Curtis Holland, Attorney for Verizon Wireless and BCFPD, 6201 College Blvd, Overland Park, KS 66211

Mr. Holland stated Verizon Wireless was a new entrant in to the market they had just acquired the F license a 1900 MHz PCS license and they are constructing their network in Boone County and Columbia. The applicants are trying wherever possible to put their antennas on existing communication tower structures and other taller structures and trying to minimize the conditional use permit applications for new communication towers in the County. The applicants have done a relatively good job with that. There are a certain number of sites the applicants are proposing in Boone County. One of the new sites is the Millersburg site which was presented to the Commission last month. This site is along highway 63. It is going to provide for specific coverage along highway 63. The applicants do have a proposed communication tower to the north which is really a collocation 4 miles to the north of this site and they are going to have another tower to the south. The applicants presented to the staff in their application the colored propagation maps and Mr. Holland has those now if the Commission would like to go through them. Given that this site appears to be less controversial in terms of the zoning district which permits the tower by right, subject to the height exception, which is what the applicants are asking for under a conditional use permit. The surrounding uses in this particular site are industrial and commercial

in nature. The applicants are in support of the conditions with the understanding that the applicants will have to come back before the Commission as well as the County Commission with revised review and final site plans.

Open to public hearing.

No one spoke regarding the request.

Closed to public hearing.

Commissioner Heitkamp stated this tower is in sight of the Lenoir residential area and asked if the tower was going to be lighted.

Mr. Holland stated no; due to the height it is much lower height than is required for FAA in terms of lighting so there will not be a light on this tower.

Commissioner Heitkamp stated the structure is to be 166 feet high.

Mr. Holland stated the actual pole structure itself is 162 feet; at the top there will be a lightning arrester which will be 4 feet in height. The overall height is 166 feet.

Vice-Chairperson Duker stated the setback has to be 145 feet but the tower is 166 feet; aren't the setbacks supposed to be at least the height of the tower.

Mr. Mach stated they are allowed the 45 foot maximum height for the district and then setback further from that one foot for each foot of height above the height limit. Staff calculated it out off the applicant's site plan.

Mr. Yonke stated the tower is a by-right use. The Commission is only dealing with the height issue.

Mr. Holland stated the applicants, per their lease, are allowing the fire district to have their antennas placed on the communication tower.

Commissioner Mink made and Commissioner Heitkamp seconded a motion to **approve** the request by Boone County Fire Protection District on behalf of Verizon Wireless for a structure exceeding 100 feet in height (proposed height of 166') in the M-LP district, on 2.4 acres located at 5881 S Highway 63, Columbia **with the following conditions:**

1. That the structure be set back from the yard lines at least 145 feet, as per the regulations in the Boone County Zoning Ordinance, Section 9.
2. That a new review plan and final plan be submitted for approval by the Planning & Zoning Commission and the County Commission. Construction of the structure shall not commence until the Revised Final Plan is recorded.
3. No lighting on the tower is allowed.

David Mink – Yes
John Schloot – Yes
Larry Oetting – Yes

Kristen Heitkamp – Yes
Mike Morgan – Yes
Russ Duker – Yes

Mike Morrison – Yes Carl Freiling – Yes
Paul Zullo – Yes

Motion to approve request carries unanimously.

Vice-Chairperson Duker informed the applicants that this request would go before the County Commission on May 30, 2006 and the applicants need to be present for the hearing.

* * * * *

REZONING REQUESTS

1. Request by Allen and Judy Ronnebaum to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and to approve a review plan and subdivision plat for A.J. Green Acres on 26.89 acres, more or less, located at 3125 N Rte Z, Columbia

Planner Uriah Mach read the following staff report:

This site is located approximately 3 miles east of the city of Columbia, on State Route Z between Mexico Gravel Road and St. Charles Road. It consists of 26.89 acres currently zoned A-1 (Agriculture). It is surrounded by A-1 zoning. Currently, there is one house on the property. In 2000, the applicants requested that 38 acres be rezoned to A-2 (Agriculture). That request was denied. Subsequently, the applicant created a 10 acre parcel for family transfer to his daughter so that she could build a house. The site is located in Public Water Service District #9 and Boone Electric service areas. It scored 42 points on our point rating system.

The applicants are requesting a rezoning to A-1P and approval of a review plan and subdivision plat. The review plan and subdivision plat show the creation of two lots, one of 22.94 acres, the other of 3.58 acres. If the rezoning is approved, the applicants intend to transfer the 3.58 acre lot to their daughter, who intends use it as a residential building site. Staff notified 20 property owners about this request.

The Master Plan designates this property as suitable for residential land use. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: Public water is provided by Public Water District Number 9. The existing infrastructure is capable of providing domestic service and fire protection. Boone Electric can provide sufficient electric service to the site. For residential use, an on-site wastewater system has been proposed. At this time, the City/County Health Department has expressed interest in knowing where the building site on the 3.58 acre tract will be located and where the on-site system will be placed. The City/County Health Department wants this information to confirm that the on-site system will be able to meet current Health Department regulations.

Transportation: Access to the site is by State Route Z, which gives close access to I-70, Mexico Gravel Road, and St. Charles Road. The proximity to the I-70/State Route Z interchange presents an effective road system that will not be affected by this rezoning.

Public Safety: The nearest fire station is in Columbia, approximately three miles away. The existing road network provides ready access for emergency service providers.

This site is located in an area where the majority of the surrounding tracts conform to the A-1 zoning of 10 acres or more per lot. The neighborhood's A-1 density is maintained by the A-1P. This rezoning does create a lot on a similar scale as those to the south in the A-R (Agriculture-Residential) zoned areas. However, the A-1P impacts on the nature of the neighborhood by this rezoning can best be assessed by public testimony.

Based upon the existing adjacent zoning and the suggestion of the master plan that this site is suitable for residential land uses, staff recommends approval of this request with the following conditions:

- 1) That the final plat for this property will not be recorded until the final plan is approved by the County Commission.
- 2) That the final plat for this property will not be recorded until a wastewater plan has been reviewed and approved by the City/County Health Department.

Present: Dan Brush, 506 Nichols St., Columbia.

Mr. Brush stated the applicant's daughter wishes to relocate and build a new house near her parents. Due to some financial reasons a three to four acre tract is about all they can work with which is the reason for the request tonight. The access is to be off the existing driveway in any event MoDot has been out and has stated that there are no problems with any driveway access along the entire frontage of the new lot. Sewage treatment is to be by an onsite system and they will work with the Health Department to go ahead and get a plan approved for the site. The applicants have no problems with the staff conditions. The overall density of this tract still remains 1 unit per 13 acres.

Commissioner Morgan asked what happened to the 10 acre parcel that was originally transferred to the daughter?

Mr. Brush stated it is back to the south and west of this area known as tract 2.

Commissioner Morgan asked if it was the same daughter building the home.

Mr. Brush stated yes.

Commissioner Morgan asked if the daughter was going to have two houses.

Mr. Brush stated as he understands, the applicants mother will be moving in to that house.

Vice-Chairperson Duker stated it is his understanding these tracts can be sold.

Mr. Mach stated the new tract created by this request can be sold. The family transfer tract has been held by the family member for a period in excess of one year so it can be transferred as any other legal lot of record.

Vice-Chairperson Duker stated the density of the other remaining lot has to stay the same.

Mr. Mach stated the density has to stay the same. Essentially this lot can not be reconfigured without the reconfiguration of the other lot, the 22 acre tract. The 3.8 can not change shape unless the whole 26 acres is acquired and they both go through a rezoning, review plan, and final plan process to reconfigure the whole thing. The density will stay the same they can not place another dwelling there. It is not going to change design unless it comes back through for another rezoning.

Vice-Chairperson Duker stated this remaining lot is set.

Mr. Mach stated yes.

Open to public hearing.

Present speaking in favor of the request:

Terry Buckley, 2914 N. Route Z, Columbia.

Mr. Buckley stated he was one of the neighbors who opposed the first proposal two years ago so he thought it would be important for him to come tonight and support this request. Mr. Buckley stated he looked over this proposal and spoke with the engineers and this solves the problem of maintaining the A-1 density that all the neighbors would like to see and commend the Ronnebaum's for coming up with a good way of doing what they wanted to do and still do what the neighbors wanted them to do. The Ronnebaum's are good neighbors and they've done a terrific job with the parcels they have and Mr. Buckley believes they will take this proposal and create something that will really enhance the neighborhood. Mr. Buckley stated he is in favor of this request.

Also present in favor:

Loren Boger, 3150 N. Route Z, Columbia.

Mr. Boger stated he lives right across the street from the applicants has absolutely no problems with this request. Mr. Boger's understanding is that the applicants can't put any more than the house that he already has on the last 22 acres.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Freiling stated he believes this circumstance is the sort of circumstance in which this particular regulation was created to address.

Commissioner Freiling made and Commissioner Morrison seconded a motion to **approve** the request by Allen and Judy Ronnebaum to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) on property located at 3125 N Rte Z, Columbia:

Carl Freiling – Yes

David Mink – Yes

Paul Zullo – Yes

Larry Oetting – Yes

Kristen Heitkamp – Yes

Mike Morrison – Yes

John Schloot – Yes

Mike Morgan – Yes

Russ Duker – Yes

Motion to approve request carries unanimously.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve** the request by Allen and Judy Ronnebaum to approve a review plan for A.J. Green Acres on 26.89 acres, more or less, located at 3125 N Rte Z, Columbia **with the following conditions:**

1. That the final plat for this property will not be recorded until the final plan is approved by the County Commission.
2. That the final plat for this property will not be recorded until a wastewater plan has been reviewed and approved by the City/County Health Department.

Kristen Heitkamp – Yes	David Mink – Yes
Russ Duker – Yes	Paul Zullo – Yes
Larry Oetting – Yes	Mike Morgan – Yes
John Schloot – Yes	Michael Morrison – Yes
Carl Freiling – Yes	

Motion to approve request carries unanimously.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve** the request by Allen and Judy Ronnebaum to approve a subdivision plat for A.J. Green Acres on 26.89 acres, more or less, located at 3125 N Rte Z, Columbia:

1. That the final plat for this property will not be recorded until the final plan is approved by the County Commission.
2. That the final plat for this property will not be recorded until a wastewater plan has been reviewed and approved by the City/County Health Department.

Russ Duker – Yes	Kristen Heitkamp – Yes
Mike Morgan – Yes	Carl Freiling – Yes
Larry Oetting – Yes	Paul Zullo – Yes
David Mink – Yes	Michael Morrison – Yes
John Schloot – Yes	

Motion to approve request carries unanimously.

Vice-Chairperson Duker informed the applicants that this request would go before the County Commission on May 30, 2006 and the applicants need to be present for the hearing.

PLANNED DEVELOPMENTS

None.

PLAT REVIEWS

1. Country Farms Plat 3. S33-T48N-R13W. R-S. Elias & Elias LLC, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located at the corner of Harvest Road and Arbor Way, south of Vawter School Road. This is a 10.1 acre tract that was originally platted as part of Lot 17 and Lot 18 of Country Farms Subdivision. It has since been vacated and this replat divides the property into tracts 1 & 2 of 3.17 acres and 6.85 acres, respectively. This property is zoned R-S (Residential-Single Family) and is surrounded by R-S zoning, except to the Northeast, where it is adjacent to the city limits of Columbia.

Tract 1 has direct access on to Harvest Road, and Tract 2 has direct access onto both Harvest Road and Arbor Way. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Domestic water service and electrical service will be provided by Columbia Water & Light. Fire protection will be provided by the Boone County Fire Protection District.

On-site systems will provide wastewater disposal. A soils report has been submitted with the plat and forwarded on to the City/County Health Department. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 52 points on the rating system.

Staff recommends approval of the plat and the requested waivers.

Commissioner Mink made and Commissioner Duker seconded a motion to approve Country Farms Plat 3 with waiver requests:

Russ Duker – Yes	Kristen Heitkamp – Yes
Mike Morgan – Yes	Carl Freiling – Yes
Larry Oetting – Yes	Paul Zullo – Yes
David Mink – Yes	Michael Morrison – Yes
John Schloot – Yes	

Motion to approve request carries unanimously.

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2. Forked Tree. S35-T51N-R12W. A-2. Eugene and Tricia Scholes, owners. Brian David Dollar, surveyor.

The following staff report was entered in to the record:

The property is located approximately 5 miles to the southeast of Sturgeon, west of Wallace School Road and northeast of McLane Dailing Road and State Route U. The property consists of approximately 20 acres being divided off into one 5.66 acre lot by this minor plat, and the remainder being divided on an accompanying administrative survey. The property is zoned A-2 (Agriculture) and surrounded by A-2 zoning.

This property has access to McLane Dailing Road by a 50' ingress/egress & utility easement created by the survey in book 1153, page 765. The remainder being divided by administrative survey has access to this easement by another 50' private access & utility easement running along the southern boundary of the property. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to the property is provided by Public Water Service District #10. Fire protection is provided by the Boone County Fire Protection District and electrical service is provided by the Boone Electric Cooperative.

On-site systems will provide wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The accompanying administrative survey will be recorded concurrently with the plat.

The property scored 15 points on the rating system.

Staff recommends approval of the plat and the requested waivers with the following condition:

- 1) That the plat and related administrative survey must be recorded concurrently.

Commissioner Mink made and Commissioner Duker seconded a motion to approve Forked Tree with the following condition:

- 1. That the plat and related administrative survey must be recorded concurrently.

Russ Duker – Yes	Kristen Heitkamp – Yes
Mike Morgan – Yes	Carl Freiling – Yes
Larry Oetting – Yes	Paul Zullo – Yes
David Mink – Yes	Michael Morrison – Yes
John Schloot – Yes	

Motion to approve request carries unanimously.

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- 3. Blackberry Bend. S27-T46N-R12W. A-2. Richey Winkleman Development Co LLC, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located to the northwest of the intersection of Old Route A and Ernie Langdon Road. It is an 80 acre tract being split into 8 five acre lots and a 40 acre remainder to the west. The property is

zoned A-2 (Agriculture) and has A-2 zoning to the south and west, A-2 and R-M (Residential Moderate Density) zoning to the north, and A-R (Agriculture-Residential) zoning to the east.

Lots 1, 2, and 3 have direct access onto Old Route A. Lots 5 & 6 have direct access onto Ernie Langdon Road. Lot 4 has direct access onto both Ernie Langdon and Old Route A. Lots 7 & 8 have access onto Old Route A via a 50' private drive easement through lots 1 & 2. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to this property is provided by Consolidated Public Water District #1. Fire protection is provided by the Southern Boone County Fire Protection District and electrical service is provided by Boone Electric.

On-site systems will provide wastewater disposal. The applicant has provided a waste water treatment cost-benefit analysis. That analysis gives preference to on-site systems rather than a centralized system.

The property scored 40 points on the rating system.

Staff recommends approval of the plat and the submitted waiver.

Commissioner Mink made and Commissioner Duker seconded a motion to **approve** Blackberry Bend **with waiver request**:

Russ Duker – Yes	Kristen Heitkamp – Yes
Mike Morgan – Yes	Carl Freiling – Yes
Larry Oetting – Yes	Paul Zullo – Yes
David Mink – Yes	Michael Morrison – Yes
John Schloot – Yes	

Motion to approve request carries unanimously.

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OLD BUSINESS

Mr. Shawver updated the Planning and Zoning Commission of the decisions made by the County Commission as follows:

The conditional use permit request by Verizon Wireless was tabled by the County Commission. The Commission requested better coverage maps

The review plan for Coastal Electric was approved as recommended.

NEW BUSINESS

Mr. Shawver stated he had asked Mr. Mach to research gated communities. Mr. Mach presented the report to the Planning and Zoning Commission for review.

Mr. Mach summarized the report and stated that it is available in the Planning and Building Inspection Department.

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ADJOURN

Being no further business, the meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Kristen Heitkamp,
Secretary

Minutes approved on this 15th day of June, 2006.