



# TOWN BOARD WORK SESSION AGENDA

Wednesday, October 22, 2025 at 4:00 PM

## MEETING LOCATION

1201 Broad Street, Meeting House, Milliken, CO 80543

### Zoom Meeting Details

To Join via Zoom

<https://us02web.zoom.us/j/85442858178?pwd=8bZGAjX8oMNLnp6o5vqA8h6XrhiJE.1>

Meeting ID: 854 4285 8178

Passcode: 557953

One tap mobile

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(Houston)

### 1. Discussion Topics

- a. **Compensation Survey - Graves**
- b. **Budget Discussion**
- c. **Wireless Telecommunications Tower Code Amendment**

### ACCOMMODATION NOTICE

The Town of Milliken complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the Town of Milliken. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the Town of Milliken, please contact the Town Clerk, Caree Rinebarger at (970) 660-5045 within 3 to 5 days before the scheduled meeting date in order to allow the Town to better accommodate your request.

### NOTE

Headings in this agenda are for organizational purposes only. The board of trustees may take formal action on any matter reasonably related to any item listed under any section of this agenda. Town of Marble v. Darien, 181 P.3d 1148 (Colo. 2008); Benson v. McCormick, 578 P.2d 651 (1978).

Contact: Caree Rinebarger, Town Clerk ([CRinebarger@town.milliken.co.us](mailto:CRinebarger@town.milliken.co.us) | 970-587-4331)

Agendas will be published no later than 24-hours prior to the meeting start time.

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10.22.25



Compensation Study Results  
Board Presentation  
October 2025



## SECTION 1

# Introduction



# About Us

Graves Consulting is a Human Resources consulting firm specializing in the Public Sector. We work with organizations throughout Colorado and the Midwest on a variety of projects, including compensation, employee retention, organizational culture, leadership development and performance management.



# Our Team



Laurie Graves

FOUNDER / PRINCIPAL



Shelly Holden

MANAGEMENT CONSULTANT



Eric Marburger

HR CONSULTANT



Helen Pile

PROJECT MANAGEMENT  
CONSULTANT



Wendy Ecklund

HR CONSULTANT



Tom Graves

DIRECTOR OF ANALYTICS

## SECTION 2

# The Project



# Agenda

- Project Intent & Scope
- Pay Structures
- Deliverables
- Recommendations for 2026
- Overview of Process
- Implementation & Next Steps
- Defined Market

# Project Intent, Scope, & Deliverables

## Intent

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- Ensure employees are paid competitively to market
- Allow the Town to continue to recruit and retain top talent
- Maintain internal equity
- Allow for career progression and sustainable wage growth

## Scope & Deliverables

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- Gather current compensation data from valid survey sources that reflect the Town's labor market
- Provide recommendations to create/revise pay structure(s) based on this data that meets the Town's needs including placement of each position within that structure
- Provide recommendations for implementation and ongoing structure maintenance
- Provide financial impact analysis and recommendations for a phased implementation approach and ongoing maintenance
- Conduct Pay Equity Analysis

## Process Overview/Data Sources

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- Met with HR to ensure we understand all positions at the Town and any new positions that may be added
- Matched the Town positions to benchmark positions in the Town's Defined Market from Colorado Municipal League and PayFactors (EC) to determine a market average for each: aged data forward to reflect 2026 implementation
- Data pulled represents actual wages being paid to others doing similar work – not just comparing pay ranges
- Scrubbed the data to ensure validity and alignment to uniqueness of Town's positions
- Made adjustments to data to reflect size of Town's positions

# Defined Market

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- We created a defined market that is reflective of the larger labor market in which the Town Competes
  - This includes many communities in the Denver metro and surrounding areas and CO region as well as some organizations north of the Denver metro area
  - Private sector data was included where applicable



# Defined Market

- Goal is to create a large enough market to be statistically valid and provide robust data for all positions

| 2026 Milliken Defined Market |                   |             |                  |                          |
|------------------------------|-------------------|-------------|------------------|--------------------------|
| Cities and Towns             |                   |             | Counties         | PayFactors Regional Data |
| Arvada                       | Federal Heights   | Longmont    | Adams County     | Denver Metro             |
| Aurora                       | Firestone         | Loveland    | Jefferson County |                          |
| Boulder                      | Fort Collins      | Milliken    | Larimer County   |                          |
| Brighton                     | Frederick         | Northglenn  | Weld County      |                          |
| Broomfield                   | Golden            | Parker      |                  |                          |
| Centennial                   | Greeley           | Superior    |                  |                          |
| Commerce City                | Greenwood Village | Thornton    |                  |                          |
| Englewood                    | Lafayette         | Wellington  |                  |                          |
| Erie                         | Lakewood          | Westminster |                  |                          |
| Evans                        | Lone Tree         | Wheat Ridge |                  |                          |
|                              | Johnstown         | Windsor     |                  |                          |

Counties were referenced only.

## SECTION 3

# Results



# Current & Proposed Pay Structures

- 
- General Government
    - Current: 22 pay grades and ranges, varied distances between grades, and 45%-50% wide
    - Proposed:
      - Redesigned the pay structure to have 19 pay grades and ranges, equal distances of 10% between midpoints, and 35%-50% wide
  - Police
    - Current: all police positions sat on the same structure as general government with ranges 50% wide
    - Proposed:
      - Redesigned the pay structure to a step structure
      - Officer and Corporals have 6 steps, Sergeants 5
      - Officer and Corporal are level-loaded with 5% step increases, Sergeants level-loaded at 4.5% per step
        - The 4.5% steps for Sgts. is different to not create a max of range that is too high

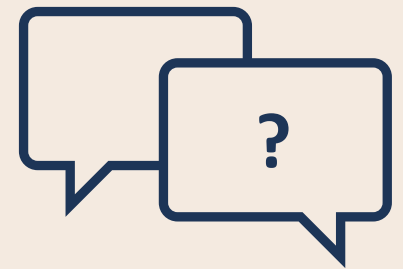
## General Government Structure

| Town of Milliken Proposed Grade Structure 2026 |            |           |           |         |          |          |        |          |
|------------------------------------------------|------------|-----------|-----------|---------|----------|----------|--------|----------|
| Grade                                          | Annualized |           |           | Hourly  |          |          | Design |          |
|                                                | Min        | Mid       | Max       | Min     | Mid      | Max      | Width  | Distance |
| <b>100</b>                                     | \$35,745   | \$42,000  | \$48,255  | \$17.18 | \$20.19  | \$23.20  | 35%    |          |
| <b>101</b>                                     | \$39,319   | \$46,200  | \$53,081  | \$18.90 | \$22.21  | \$25.52  | 35%    | 10%      |
| <b>102</b>                                     | \$43,251   | \$50,820  | \$58,389  | \$20.79 | \$24.43  | \$28.07  | 35%    | 10%      |
| <b>103</b>                                     | \$46,585   | \$55,902  | \$65,219  | \$22.40 | \$26.88  | \$31.36  | 40%    | 10%      |
| <b>104</b>                                     | \$51,244   | \$61,492  | \$71,741  | \$24.64 | \$29.56  | \$34.49  | 40%    | 10%      |
| <b>105</b>                                     | \$56,368   | \$67,641  | \$78,915  | \$27.10 | \$32.52  | \$37.94  | 40%    | 10%      |
| <b>106</b>                                     | \$62,005   | \$74,406  | \$86,806  | \$29.81 | \$35.77  | \$41.73  | 40%    | 10%      |
| <b>107</b>                                     | \$68,205   | \$81,846  | \$95,487  | \$32.79 | \$39.35  | \$45.91  | 40%    | 10%      |
| <b>108</b>                                     | \$75,026   | \$90,031  | \$105,036 | \$36.07 | \$43.28  | \$50.50  | 40%    | 10%      |
| <b>109</b>                                     | \$82,528   | \$99,034  | \$115,539 | \$39.68 | \$47.61  | \$55.55  | 40%    | 10%      |
| <b>110</b>                                     | \$88,928   | \$108,937 | \$128,946 | \$42.75 | \$52.37  | \$61.99  | 45%    | 10%      |
| <b>111</b>                                     | \$97,821   | \$119,831 | \$141,841 | \$47.03 | \$57.61  | \$68.19  | 45%    | 10%      |
| <b>112</b>                                     | \$107,603  | \$131,814 | \$156,025 | \$51.73 | \$63.37  | \$75.01  | 45%    | 10%      |
| <b>113</b>                                     | \$115,996  | \$144,995 | \$173,994 | \$55.77 | \$69.71  | \$83.65  | 50%    | 10%      |
| <b>114</b>                                     | \$127,596  | \$159,495 | \$191,394 | \$61.34 | \$76.68  | \$92.02  | 50%    | 10%      |
| <b>115</b>                                     | \$140,356  | \$175,444 | \$210,533 | \$67.48 | \$84.35  | \$101.22 | 50%    | 10%      |
| <b>116</b>                                     | \$154,391  | \$192,989 | \$231,587 | \$74.23 | \$92.78  | \$111.34 | 50%    | 10%      |
| <b>117</b>                                     | \$169,830  | \$212,288 | \$254,745 | \$81.65 | \$102.06 | \$122.47 | 50%    | 10%      |
| <b>118</b>                                     | \$186,813  | \$233,517 | \$280,220 | \$89.81 | \$112.27 | \$134.72 | 50%    | 10%      |

## Sworn NE Police Step Plan

| Town of Milliken                                     |              |               |               |               |               |               |   |
|------------------------------------------------------|--------------|---------------|---------------|---------------|---------------|---------------|---|
| 2026 Proposed Step Plan for Sworn, Non-Exempt Police |              |               |               |               |               |               |   |
| Position                                             |              |               |               |               |               |               |   |
| Police Cadet Rate (Non-Sworn)                        | \$71,604     |               |               |               | -             |               |   |
|                                                      | 34.43        |               |               |               | -             |               |   |
|                                                      |              |               |               |               | -             |               |   |
|                                                      |              |               |               |               | -             |               |   |
| Police Officer                                       | <u>Entry</u> | <u>Step 1</u> | <u>Step 2</u> | <u>Step 3</u> | <u>Step 4</u> | <u>Step 5</u> | - |
|                                                      | \$84,240     | \$88,452      | \$92,875      | \$97,518      | \$102,394     | \$107,514     |   |
|                                                      | 40.50        | 42.53         | 44.65         | 46.88         | 49.23         | 51.69         |   |
|                                                      |              | 5.00%         | 5.00%         | 5.00%         | 5.00%         | 5.00%         |   |
| Police Corporal                                      | <u>Entry</u> | <u>Step 1</u> | <u>Step 2</u> | <u>Step 3</u> | <u>Step 4</u> | <u>Step 5</u> | - |
|                                                      | \$97,518     | \$102,394     | \$107,514     | \$112,890     | \$118,534     | \$124,461     | - |
|                                                      | 46.88        | 49.23         | 51.69         | 54.27         | 56.99         | 59.84         | - |
|                                                      |              | 5.00%         | 5.00%         | 5.00%         | 5.00%         | 5.00%         | - |
|                                                      |              |               |               |               |               |               | - |
| Police Sergeant                                      | <u>Entry</u> | <u>Step 1</u> | <u>Step 2</u> | <u>Step 3</u> | <u>Step 4</u> | -             | - |
|                                                      | \$112,890    | \$117,970     | \$123,278     | \$128,826     | \$134,623     |               |   |
|                                                      | 54.27        | 56.72         | 59.27         | 61.94         | 64.72         |               |   |
|                                                      |              | 4.50%         | 4.50%         | 4.50%         | 4.50%         |               |   |
|                                                      |              |               |               |               |               |               |   |

# Questions & Discussion



Town of Milliken  
5-Year Capital Outlay Plan  
2026-2030

| Description                                | Year Req'd | Dept | Account | Priority <sup>1</sup> | 2026    | 2027    | 2028    | 2029    | 2030    | Total Cost |
|--------------------------------------------|------------|------|---------|-----------------------|---------|---------|---------|---------|---------|------------|
| <u>General Fund</u>                        |            |      |         |                       |         |         |         |         |         |            |
| IT Servers (2)                             |            | AD   | 10-15   | C                     | 32,000  |         |         |         |         | 32,000     |
| APX 6000 Radios (2)                        |            | PD   | 10-21   | C                     | 10,758  |         | 10,758  |         |         | 21,516     |
| APX 6500 Mobile Radio                      |            | PD   | 10-21   | C                     |         | 5,725   |         |         |         | 5,725      |
| CF-33 Tablet Win 10 Pro-MDT (3)            |            | PD   | 10-21   | C                     | 12,846  | 8,564   | 8,564   | 8,564   | 12,846  | 51,384     |
| Message Boards                             |            | PW   | 10-31   | B                     | 58,000  |         |         |         |         | 58,000     |
| Grader Tire Replacement                    |            | PW   | 10-31   | C                     | 9,000   |         |         |         |         | 9,000      |
| TH Backflow Prevention Device              |            | FM   | 10-51   | N                     | 23,000  |         |         |         |         | 23,000     |
| TH New Gutters & Snow Bars                 |            | FM   | 10-51   | B                     |         | 35,000  |         |         |         | 35,000     |
| TH Partition Walls in Restrooms            |            | FM   | 10-51   | B                     |         |         | 10,000  |         |         | 10,000     |
| TH West Exit, Stairs, and Sidewalk Replace |            | FM   | 10-51   | N                     |         |         |         | 25,000  |         | 25,000     |
| PD Seal Coat Roof                          |            | FM   | 10-51   | N                     |         |         |         |         | 65,000  | 65,000     |
| Town Hall Window & Blind Replacement       |            | FM   | 10-51   | B                     |         |         |         |         | 90,000  | 90,000     |
| General Fund Totals                        |            |      |         |                       | 145,604 | 49,289  | 29,322  | 33,564  | 167,846 | 425,625    |
| <u>Streets Fund</u>                        |            |      |         |                       |         |         |         |         |         |            |
| Pavement Maintenance                       |            | PW   | 25-90   | C                     | 250,000 | 250,000 | 250,000 | 250,000 | 250,000 | 1,250,000  |
| Concrete Replacement Program               |            | PW   | 25-90   | C                     | 75,000  | 75,000  | 75,000  | 75,000  | 75,000  | 375,000    |
| Roadway Striping                           |            | PW   | 25-90   | C                     |         | 75,000  |         |         |         | 75,000     |
| Streets Fund Totals                        |            |      |         |                       | 325,000 | 400,000 | 325,000 | 325,000 | 325,000 | 1,700,000  |
| <u>Capital Projects Fund</u>               |            |      |         |                       |         |         |         |         |         |            |
| WCR 378 Mill & Overlay                     |            | PW   | 30-90   | C                     | 285,000 |         |         |         |         | 285,000    |
| N Frances Avenue Reconstruction            |            | PW   | 30-90   | C                     | 25,000  |         |         |         |         | 25,000     |
| CR 44 Double Chip Seal                     |            | PW   | 30-90   | B                     |         | 283,700 |         |         |         | 283,700    |
| CR 21 Double Chip Seal                     |            | PW   | 30-90   | B                     |         |         | 274,500 |         |         | 274,500    |
| Green Street Roadway Design                |            | PW   | 30-90   | C                     |         |         |         | 500,000 | 580,000 | 1,080,000  |
| Capital Projects Fund Totals               |            |      |         |                       | 310,000 | 283,700 | 274,500 | 500,000 | 580,000 | 1,948,200  |
| <u>Conservation Trust Fund</u>             |            |      |         |                       |         |         |         |         |         |            |
| Ehrlich Park Improvements                  |            | PK   | 40-90   | N                     | 90,000  |         |         |         |         | 90,000     |
| Mountain View Park Improvements            |            | PK   | 40-90   | N                     |         | 198,000 |         |         |         | 198,000    |
| Conservation Trust Fund Totals             |            |      |         |                       | 90,000  | 198,000 | -       | -       | -       | 288,000    |

Town of Milliken  
5-Year Capital Outlay Plan  
2026-2030

| Description                               | Year Req'd | Dept | Account | Priority <sup>1</sup> | 2026      | 2027      | 2028       | 2029       | 2030       | Total Cost |
|-------------------------------------------|------------|------|---------|-----------------------|-----------|-----------|------------|------------|------------|------------|
| <u>Water Fund</u>                         |            |      |         |                       |           |           |            |            |            |            |
| Central Weld Main Replacement             |            | W    | 60-32   | C                     | 100,000   | 2,150,000 |            |            |            | 2,250,000  |
| Distribution System Valve Insertion       |            | W    | 60-32   | N                     | 25,000    | 25,000    | 25,000     |            |            | 75,000     |
| Westside Well Non-Pot Production          |            | W    | 60-32   | N                     | 400,000   |           |            |            |            | 400,000    |
| Hillsborough Reservoir                    |            | W    | 60-32   | N                     |           | 1,000,000 | 2,000,000  |            |            | 3,000,000  |
| Investment in Central Weld Infrastructure |            | W    | 60-32   | N                     | 2,100,000 |           |            |            |            | 2,100,000  |
| Central Weld Water Treatment              |            | W    | 60-32   | B                     | 100,000   | 200,000   | 500,000    | 5,500,000  | 5,500,000  | 11,800,000 |
| Purchase Future Water                     |            | W    | 60-32   | N                     |           |           |            | 3,300,000  | 3,300,000  | 6,600,000  |
| Water Fund Totals                         |            |      |         |                       | 2,725,000 | 3,375,000 | 2,525,000  | 8,800,000  | 8,800,000  | 26,225,000 |
| <u>Wastewater Fund</u>                    |            |      |         |                       |           |           |            |            |            |            |
| Wastewater Plant Expansion / Re-Rating    |            | WW   | 61-32   | N                     | 250,000   | 2,000,000 | 7,500,000  | 7,500,000  | 7,500,000  | 24,750,000 |
| Sewer Main Replacement                    |            | WW   | 61-32   | C                     | 50,000    | 50,000    | 50,000     | 50,000     |            | 200,000    |
| Wastewater Fund Totals                    |            |      |         |                       | 300,000   | 2,050,000 | 7,550,000  | 7,550,000  | 7,500,000  | 24,950,000 |
| <u>Stormwater</u>                         |            |      |         |                       |           |           |            |            |            |            |
| Ehrlich Lake Stormwater Drainage          |            | PW   | 64-90   | C                     | 150,000   |           |            |            |            | 150,000    |
| N. Cora Ave. & N. Beulah Ave. Stormwater  |            | PW   | 64-90   | C                     | 414,150   |           |            |            |            | 414,150    |
| Pheasant Hills Ret Pond Outfall           |            | PW   | 64-90   | C                     |           | 216,000   | 1,200,000  |            |            | 1,416,000  |
| Broad Street Stormwater Diversion Design  |            | PW   | 64-90   | C                     |           | 140,000   |            |            |            | 140,000    |
| XF3D3030 Diesel Jetter - VAC              |            | PW   | 64-90   | C                     |           | 580,000   |            |            |            | 580,000    |
| CR 42 & 44 Culvert Crossing               |            | PW   | 64-90   | C                     |           |           |            |            | 708,000    | 708,000    |
| Stormwater Fund Totals                    |            |      |         |                       | 564,150   | 936,000   | 1,200,000  | -          | 708,000    | 3,408,150  |
|                                           |            |      |         |                       | 4,459,754 | 7,291,989 | 11,903,822 | 17,208,564 | 18,080,846 | 58,944,975 |

Note 1. C = Critical, N = Necessary, or B = Beneficial

Primary Revenue Source

General Revenues  
General Revenues  
General Revenues  
General Revenues  
General Revenues  
General Revenues  
General Revenues  
General Revenues  
General Revenues  
General Revenues  
General Revenues  
General Revenues

HUTF and Road & Bridge  
HUTF and Road & Bridge  
HUTF and Road & Bridge

1/2% Sales Tax  
1/2% Sales Tax  
1/2% Sales Tax  
1/2% Sales Tax  
1/2% Sales Tax

CTF Revenues  
CTF Revenues

Primary Revenue Source

Impact Fees  
Water Fund Revenues  
Water Fund Revenues  
Impact Fees  
Impact Fees  
Rates/Debt  
Impact Fees

Impact Fees/Debt Issue  
Wastewater Revenues

Stormwater Revenues  
Stormwater Revenues  
Stormwater Revenues  
Stormwater Revenues  
Stormwater Revenues  
Stormwater Revenues

## **Narrative: Purpose and Intent of the Proposed Language**

The proposed amendment to Section 16-4-220 establishes clear and objective criteria for evaluating requests to exceed the thirty-five (35) foot height limit for wireless communication towers located within the public right-of-way.

Currently, the Code allows towers in the right-of-way to a maximum height of thirty-five (35) feet but does not define when or how the Town may consider a waiver to that standard. As wireless technology evolves, carriers increasingly require slightly taller facilities to maintain reliable coverage and support new service capacity, particularly in areas with variable topography or existing development that obstructs signal propagation.

The new language provides a process for the Town to review such requests while maintaining local control over siting, appearance, and community character. It requires applicants to demonstrate both technical necessity and co-location capability as conditions of approval, ensuring that taller towers are permitted only when truly needed and that shared use is prioritized to minimize the number of towers within the community.

Additional factors, such as the evaluation of alternative sites, visual design compatibility, and overall public benefit, are identified for consideration to preserve aesthetic quality and neighborhood compatibility.

Below is the code language with the waiver addition as staff recommends.

In all zoning districts and planned developments, all Towers may be permitted only as conditional review use. Wireless communication facilities (WCFs) shall be reviewed for conformance to this section and this Code using the Conditional Use procedures set forth in Section 16-3-500 of this Chapter. All applications for towers shall demonstrate that other alternative design options such as base stations or alternative tower structures are not viable options as determined by the Town. Notwithstanding anything in this section to the contrary, no tower located in the right-of-way shall exceed thirty-five (35) feet in height. **The Town may approve a waiver to exceed the thirty-five (35) foot height limitation for towers located in the public right-of-way only upon a finding that the proposed height satisfies all of the following criteria:**

**(1) Demonstrated Technical Necessity.**

**The applicant shall provide propagation maps and engineering analysis demonstrating that a tower height exceeding thirty-five (35) feet is necessary to provide or improve reliable wireless coverage or network performance within the**

affected service area, and that compliance with the 35-foot limit would result in inadequate service or network failure.

(2) Co-Location Opportunity.

The proposed tower height shall be designed to reasonably accommodate co-location by multiple wireless service providers where technically feasible, thereby reducing the overall number of towers required within the Town. Applicants shall provide documentation identifying how the tower structure can support additional antennas, and the Town may condition approval on future co-location availability.

In addition to the required criteria, the Town shall consider the following factors when evaluating a height waiver request:

(1) Evaluation of Alternatives.

The applicant shall demonstrate that no existing structure, light pole, utility pole, or other vertical infrastructure within the service area can accommodate the applicant's antennas and equipment at or below thirty-five (35) feet while achieving comparable coverage or network objectives.

(2) Minimum Height Required.

The proposed tower height shall represent the minimum height necessary to meet the demonstrated coverage or capacity objective. The Town may require independent review of the applicant's technical documentation to verify the necessity of the proposed height.

(3) Visual and Design Compatibility.

The proposed tower shall employ stealth design, neutral color, and non-reflective materials, and shall be located, to the extent practicable, to reduce its visual impact on adjacent properties and the streetscape. Increased height shall not result in a facility that is visually dominant or inconsistent with the character of the surrounding area.

(4) Public Benefit and Compliance.

The increased height shall enhance wireless service reliability or public safety communication in a manner consistent with the goals of this section and the intent of this Code. The facility shall comply with all applicable structural, electrical, and wind-load standards, as well as all Federal Communications Commission (FCC) radio-frequency emission requirements.

July 21, 2025

**VIA EMAIL (PMCCLENAHAN@MILLIKENCO.GOV)**

Pepper D. McClenahan, AICP  
Community Development Director  
Town of Milliken  
1101 Broad Street  
P.O. Box 290  
Milliken, CO 80543

**Re: CitySwitch's Proposed Text Amendment – Section 16-4-220(e)(3) (Wireless Communications Facility – Tower Height Exception in Right-of-Way)**

Dear. Ms. McClenahan:

Our firm is counsel to CitySwitch (“CitySwitch”). Contemporaneously with this letter, CitySwitch submits its application for a conditional use permit for a wireless facility on an 80-foot monopole tower (“Tower”) located at Parcel: 105912013061 (40.326370°, -104.847809°), Milliken, CO 80543 (“Property”). CitySwitch submits its conditional use permit application packet including all information and documents (“CUP Application”) required under the applicable sections of the Town of Milliken, Colorado Code of Ordinances (“Town Code”). Under the Town’s Code, the CUP Application currently requires a variance to exceed the height limit of 35 feet for towers in rights-of-way. For the reasons set forth below, CitySwitch respectfully requests the Town approve its proposed text amendment to allow for the Town to allow for the height of a Tower to exceed 35 feet in a right-of-way if Town determines the proposed height will allow wireless service provider(s) to provide and/or improve wireless services in the zoning district.

**A. The Town’s Current Code Requirements**

The Town Code currently limits the height for towers to 35 feet for the C-1 zone. While the Town Code allows the Planning Commission to approve heights in excess of zone limits as a conditional use, “no tower located in the right-of-way [defined to include railroad ROWs] shall exceed thirty-five (35) feet in height.” (16-4-220(e)(3)). Accordingly, a variance would be required.

**B. CitySwitch’s Proposed Text Amendment**

Pursuant to Section 16-6-310 of the Town Code, CitySwitch, on behalf of the property owner, Union Pacific, submits this proposed text amendment to provide for changes to the administrative processes to accommodate the changing needs of the community and the Town staff

and to further implement the goals and objectives of the Town's comprehensive plan. A copy of the proposed text amendment is attached as **Exhibit 1**. The proposed text amendment amends Sections 16-4-220(e)(3) and 16-8-200 to allow for the height of a Tower to exceed 35 feet in a right-of-way if Town determines the proposed height will allow wireless service provider(s) to provide and/or improve wireless services in the zoning district. It is becoming more and more difficult to deploy wireless facilities in areas with the highest demand for wireless services, in and around residential districts. By allowing the Town discretion to waive the height limit of 35 feet, specifically in non-public rights-of-way such as railroad rights-of-way, it will allow for wireless service providers to deploy facilities adjacent to residential areas and provide wireless services in the areas with the highest demand without having to locate facilities directly within residential areas. It also will reduce the number of towers required as the taller height will allow for collocation of other wireless service providers.<sup>1</sup>

### **C. Federal Law Governing Deployment of Wireless Facilities**

The Federal Telecommunications Act (the "Act") preempts any local regulation that has the effect of prohibiting the provision of personal wireless services. *See* 47 U.S.C. § 332(c)(7)(B)(i)(II). Section 332(c)(7)(B)(i)(II) expressly states, "the regulation of the placement, construction, and modification of personal wireless service facilities by any state or local government or instrumentality thereof- shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

The FCC's 2018 Order<sup>2</sup> designated the test for "effective prohibition" under 47 U.S.C. §332(c)(7)(B)(i)(II) as to whether the action by a local jurisdiction will "materially inhibit" the provision of services as outlined in the 2018 Order. As of the 2018 FCC Order, the new standard to assess whether a permit denial is improper under 332(c)(7) is whether it "materially inhibits" a provider's ability to "compete in a fair and balanced legal and regulatory environment" or improve its wireless service. If so, then there is an effective prohibition under the Act. Improving wireless service is broadly defined and includes not only "filling a coverage gap" but also "densifying a wireless network, introducing new services or otherwise improving service capabilities." By the FCC's 2018 Order, a legal requirement need not be insurmountable to materially inhibit the provision of wireless service.

### **D. CitySwitch's Proposed Tower Will Provide and Improve Wireless Services for the Town**

The proposed location of the Tower is in the Union Pacific right-of-way, a private right-of-way, which is zoned Neighborhood Commercial (C-1). The zoning classifications to the north, east, and south are PUD, and the zoning classification to the west is Single-Family Residential and C-1. As the Town Code provides, towers are permitted as conditional uses in PUDs and C-1 zones.

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<sup>1</sup> A 35' Tower will not allow for the collocation of any other wireless facilities.

<sup>2</sup> *In re Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order*, FCC 18-133 adopted September 27, 2018 ("2018 FCC Order").

C-1 zones are intended to establish and preserve areas for office uses and related commercial goods and services, and PUD zones are intended to allow for innovations in residential, commercial, and industrial development and renewal so that the Town's population growth may be met and to also provide a mix of retail, office, employment, civic and recreation uses.

In recent years, the demand for reliable wireless services has grown exponentially due to increased usage of smartphones, tablets, and other connected devices. This demand is coupled with the necessity for advanced communication networks to support emergency services, educational institutions, businesses, and residential communities. Unfortunately, the current infrastructure is insufficient to meet these growing demands, resulting in coverage gaps and slower service.

Wireless service providers have radio frequency engineers that conduct detailed technical analyses to determine where wireless facilities must be installed to provide the reliable coverage needed to address the topographical and technological limitations involved in the provision of its wireless services in an area. Here, such testing and analysis were conducted in the area of the Tower. CitySwitch provides AT&T's RF propagation maps. The RF propagation map demonstrates the wireless facility to be located on the Tower will provide coverage and improve wireless services significantly over a 3-mile radius around the Tower. As the Town is aware, there is a need to increase accessibility and improve wireless service in this area and the entire Town. AT&T, one of the wireless service providers that will use the Tower, is obligated to build out FirstNet, which is our country's first nationwide integrated data network for providers of emergency services. There are no other structures located within the search ring capable of accommodating these wireless facilities that would close the coverage gap.

In its CUP Application, CitySwitch provides propagation maps that show the coverage of the wireless facility at 35' and 80'. *See Zoning Application Narrative – Exhibit 1, AT&T Propagation Maps.* CitySwitch explains that the proposed height of 80' is needed so as to provide the most in-building and in-vehicle coverage in a larger radius, to not materially inhibit the deployment of wireless services, to allow for collocation of other wireless service providers, and to limit the number of other wireless facilities/towers that may be required. A 35' tower is insufficient to provide service for the Town, the subdivision to the southwest would be partially in service and a large gap in service near central Milliken. And first responders would not get sufficient service for the entire town.

Further, in addition to providing the most improvement to wireless services, the Tower with the 80' RAD center likely will limit the need for additional towers in the area as other wireless providers can collocate on this Tower. Additionally, the 80' Tower will provide coverage to local business and emergency service responders. It will also help increase services in the dense residential areas around the Tower. It is undisputed that, if the Application is not approved, it will materially inhibit the ability for wireless providers including AT&T to improve its wireless services.

An 80-foot Tower at the proposed location allows AT&T and other potential wireless providers to significantly improve wireless services and provide the following benefits:

- **Improved Coverage and Capacity:** By allowing the Tower to reach 80 feet above the current height limitation, we will be able to provide comprehensive coverage that reduces dead zones and enhances signal strength, ensuring residents, businesses, and emergency services have access to fast and reliable communications. This Tower with AT&T's wireless facility will provide comprehensive wireless services in an area which currently has limited to no wireless services including coverage and capacity. *See Zoning Application Narrative – Exhibit 1, AT&T Propagation Maps.* An additional Tower with AT&T's wireless facility in Milliken is necessary to provide and improve wireless services, as use of existing towers at lower heights will not provide sufficient services, leaving gaps in wireless services for Milliken residents and emergency service providers. *See id.* ; *see also Zoning Application Narrative – Exhibit 2, Alternative Site Analysis.* The tower is intended to permit co-location of up to two additional wireless service providers, further decreasing the number of WCFs required in Milliken. *See Zoning Application Narrative – Exhibit 3, Zoning Drawings Revised 07.10.2025.*
- **Support for Emergency Services:** Reliable wireless service is critical for effective emergency response. Improved infrastructure will aid first responders in maintaining seamless communication during emergencies, potentially saving lives and enhancing public safety. Further, AT&T is the only wireless service provider with dedicated spectrum specifically for first responders. This new proposed wireless facility will be equipped with that spectrum.
- **Economic Growth:** An enhanced wireless network will attract new businesses and facilitate commercial activities, driving economic growth and fostering job creation in the community. This Tower with wireless facility(ies) will serve the offices and commercial uses surrounding the area as well as the entire Town of Milliken and any future growth to the north or south, while working cohesively with existing AT&T towers to the west.
- **Educational Services:** Schools and educational institutions rely on robust wireless services for digital learning platforms and communications. Improved infrastructure will support these initiatives, providing students and educators with the necessary tools for a modern educational experience.

We understand that height restrictions are in place to maintain aesthetic values and environmental considerations. However, as demonstrated by the photo simulations, the proposed Tower is in a location that minimizes visual impact.

Additionally, CitySwitch provides a detailed Alternative Site Analysis as to why it selected this location for the Tower with its CUP Application. *See Zoning Application Narrative – Exhibit 2.*

We respectfully request that the Town consider granting the proposed text amendment to allow for the Town to waive height requirements for wireless facilities in the private right-of-way. We are eager to work collaboratively with community stakeholders and local officials to address any concerns and ensure that this project benefits the community. Thank you for considering this request. Please feel free to contact me directly at 303-295-8356 or [mkreagan@hollandhart.com](mailto:mkreagan@hollandhart.com) for any additional information or to arrange a meeting.

Sincerely,



Melissa K. Reagan  
Partner  
of Holland & Hart LLP

# **EXHIBIT 1**

**Project Title:** Zoning Text Amendments – Height Exception for Towers in Non-Public Right-of-Way

**Project No.:** \_\_\_\_\_

**Version:** Applicant Draft

**Date Prepared:** May \_\_, 2025

**Planning Commission Action:** \_\_\_\_\_

This proposed ordinance makes the following amendments (for summary purposes only):

- Amends Sections 16-4-220(e)(3) and 16-8-200 to allow for the height of a Tower to exceed 35 feet in a right-of-way if Town determines the proposed height will allow wireless service provider(s) to provide and/or improve wireless services in the zoning district. It is becoming more and more difficult to deploy wireless facilities in areas with the highest demand for wireless services, in and around residential districts. By allowing the Town discretion to waive the height limit of 35 feet, specifically in non-public rights-of-way such as railroad rights-of-way, it will allow for wireless service providers to deploy facilities adjacent to residential areas and provide wireless services in the areas with the highest demand without having to locate facilities within residential areas.

Underline text in red is new; text with strikethrough is proposed to be deleted. All other text is existing with no change.

### **Option 1**

#### **Sec. 16-4-220(e)(3)<sup>1</sup> – Wireless Communications Facilities – Inventory of Existing Sites**

In all zoning districts and planned developments, all Towers may be permitted only as conditional review use. WCFs shall be reviewed for conformance to this section and code using the Conditional Use procedures set forth in [section 16-3-500](#) of this Chapter. All applications for towers shall demonstrate that other alternative design options such as base stations or alternative tower structures are not viable options as determined by the Town. Notwithstanding anything in this section to the contrary, no tower located in the right-of-way shall exceed thirty-five (35) feet in height. The Town may waive the thirty-five (35) foot height limit for Towers in the right-of-way if it determines the proposed Tower height will allow wireless service provider(s) to provide and/or improve wireless services in the zoning district or the goals of this section are better served thereby.

### **Option 2**

#### **Sec. 16-4-220(e)(3) – Wireless Communications Facilities – Inventory of Existing Sites**

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<sup>1</sup> The online version of Milliken City Code sec. 16-4-220, concerning Wireless Communication Facilities, currently has multiple subsections e and f. This subsection 16-4-220(e) is titled “Inventory of Existing Sites.”

In all zoning districts and planned developments, all Towers may be permitted only as conditional review use. WCFs shall be reviewed for conformance to this section and code using the Conditional Use procedures set forth in [section 16-3-500](#) of this Chapter. All applications for towers shall demonstrate that other alternative design options such as base stations or alternative tower structures are not viable options as determined by the Town. Notwithstanding anything in this section to the contrary, no tower located in the **public** right-of-way (as defined in Section 16-8-200 - Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use) shall exceed thirty-five (35) feet in height. A tower located in a non-public right-of-way (e.g. railroad right-of-way) may exceed thirty-five (35) feet in height if the Town determines the proposed Tower height will allow wireless service provider(s) to provide and/or improve wireless services in the zoning district or the goals of this section are better served thereby.

### **Section 16-8-200 – Definitions of Words, Terms and Phrases**

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established and referred to as “Public rights-of-way.”



## Town of Milliken Land Use Application Form

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| PROJECT NAME: COC008 Milliken - Proposed Text Amendment - Section 16-4-220(e)(3) - Tower Height Exception in ROW                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| DATE SUBMITTED:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | APPLICATION FEE: \$500                                             | APPLICATION DEPOSIT: \$2,000                     |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| TYPE OF APPLICATION: Zoning Amendment (Text)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| <table border="0"><tr><td><input type="checkbox"/> ANNEXATION</td><td><input type="checkbox"/> SITE PLAN REVIEW</td><td><input type="checkbox"/> VARIANCE</td></tr><tr><td><input type="checkbox"/> PLOT PLAN</td><td><input type="checkbox"/> CONDITIONAL USE PERMIT</td><td><input type="checkbox"/> WAIVER</td></tr><tr><td><input type="checkbox"/> PRELIMINARY PLAT</td><td><input type="checkbox"/> SPECIAL USE PERMIT – OIL &amp; GAS</td><td><input type="checkbox"/> AMEND TO REC. PLAT</td></tr><tr><td><input type="checkbox"/> FINAL PLAT</td><td><input type="checkbox"/> USE BY SPECIAL REVIEW – GRAVEL</td><td><input type="checkbox"/> FLOOD PLAIN DEV. PERMIT</td></tr><tr><td><input type="checkbox"/> PLANNED UNIT DEVELOPMENT</td><td><input type="checkbox"/> CHANGE OF USE (COMMERCIAL)</td><td><input type="checkbox"/> COMP PLAN AMENDMENT</td></tr><tr><td><input type="checkbox"/> MAJOR SUBDIVISION</td><td><input type="checkbox"/> CHANGE OF ZONE</td><td><input type="checkbox"/> HOME OCCUPATION</td></tr><tr><td><input type="checkbox"/> MINOR SUBDIVISION/RE-SUBDIVISION</td><td colspan="2"></td></tr><tr><td><input type="checkbox"/> REPLAT/LLA SUBDIVISION</td><td colspan="2"><input checked="" type="checkbox"/> OTHER: Zoning Amendment (Text)</td></tr></table> |                                                                    |                                                  | <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> SITE PLAN REVIEW | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> PLOT PLAN | <input type="checkbox"/> CONDITIONAL USE PERMIT | <input type="checkbox"/> WAIVER | <input type="checkbox"/> PRELIMINARY PLAT | <input type="checkbox"/> SPECIAL USE PERMIT – OIL & GAS | <input type="checkbox"/> AMEND TO REC. PLAT | <input type="checkbox"/> FINAL PLAT | <input type="checkbox"/> USE BY SPECIAL REVIEW – GRAVEL | <input type="checkbox"/> FLOOD PLAIN DEV. PERMIT | <input type="checkbox"/> PLANNED UNIT DEVELOPMENT | <input type="checkbox"/> CHANGE OF USE (COMMERCIAL) | <input type="checkbox"/> COMP PLAN AMENDMENT | <input type="checkbox"/> MAJOR SUBDIVISION | <input type="checkbox"/> CHANGE OF ZONE | <input type="checkbox"/> HOME OCCUPATION | <input type="checkbox"/> MINOR SUBDIVISION/RE-SUBDIVISION |  |  | <input type="checkbox"/> REPLAT/LLA SUBDIVISION | <input checked="" type="checkbox"/> OTHER: Zoning Amendment (Text) |  |
| <input type="checkbox"/> ANNEXATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> SITE PLAN REVIEW                          | <input type="checkbox"/> VARIANCE                |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| <input type="checkbox"/> PLOT PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> CONDITIONAL USE PERMIT                    | <input type="checkbox"/> WAIVER                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
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| <input type="checkbox"/> FINAL PLAT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> USE BY SPECIAL REVIEW – GRAVEL            | <input type="checkbox"/> FLOOD PLAIN DEV. PERMIT |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/> CHANGE OF USE (COMMERCIAL)                | <input type="checkbox"/> COMP PLAN AMENDMENT     |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| <input type="checkbox"/> MAJOR SUBDIVISION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> CHANGE OF ZONE                            | <input type="checkbox"/> HOME OCCUPATION         |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| <input type="checkbox"/> MINOR SUBDIVISION/RE-SUBDIVISION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| <input type="checkbox"/> REPLAT/LLA SUBDIVISION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> OTHER: Zoning Amendment (Text) |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| PRE-APPLICATION CONFERENCE WAS HELD WITH: Pepper McClenahan Date: 10/8/2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| PROJECT INFORMATION NEW 80'-0" MONOPOLE.<br>See attached Proposed Text Amendment to Amend Section 16-4-220(e)(3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Applicant's Name: CitySwitch II-A, LLC (Ignite Wireless Agent: Kendal Lotze)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Project Location: 40.326396 -104.847804                            |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Address: Alice Avenue, Milliken, CO80543                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Existing Use: Railroad, ROW, Park, Trail                           |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Email: Kendal@ignitewireless.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Proposed Use: Including plus Telecommunications                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Phone/Fax: 770-862-8089                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Existing Zoning: PUD                                               |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Relation to Property Owner: Agent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Proposed Zoning: N/A                                               |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Is site within Flood Plain? <input type="checkbox"/> FEMA <input type="checkbox"/> TOWN <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Is site within Milliken's Planning Area? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Legal Description of Property (location within section, section, township and range, or Lot, Block, Subdivision):<br>A PORTION OF THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 67 WEST IN WELD COUNTY, STATE OF COLORADO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Total Acreage of Property under Consideration: 10,000 sp. ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Number of Existing Residential Lots: N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                    | Number of Proposed Residential Lots: N/A         |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Number of Existing Commercial Lots: N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                    | Number of Proposed Commercial Lots: N/A          |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Number of Existing Industrial Lots: N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                    | Number of Proposed Industrial Lots: N/A          |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| ADDITIONAL CONTACTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                    | Consultant: Ignite Wireless (Kendal Lotze)       |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Property Owner: Union Pacific Railroad Company                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Address: 102 Mary Alice Park Rd, Suite 505                         |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Address: 48261 Railroad Ave                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | City/State/Zip: Cumming, GA 30040                                  |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| City/State/Zip: Oakridge, OR 97463                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Phone/Fax: 770-862-8089                                            |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Phone/Fax: 414-403-4927                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Consultant: N/A                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Property Owner: N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Address: N/A                                                       |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Address: N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | City/State/Zip: N/A                                                |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| City/State/Zip: N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Phone/Fax: N/A                                                     |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |
| Phone/Fax: N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |                                                  |                                     |                                           |                                   |                                    |                                                 |                                 |                                           |                                                         |                                             |                                     |                                                         |                                                  |                                                   |                                                     |                                              |                                            |                                         |                                          |                                                           |  |  |                                                 |                                                                    |  |



## Town of Milliken Land Use Application Form

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COMPREHENSIVE PLAN MAP DESIGNATIONS: Business/Industrial/Greenways/Residential<br>Parks/Open Space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                        |
| <b>LAND USE &amp; PUBLIC FACILITIES</b><br>Land Use Designations: Railroad<br>Public Facilities: Railroad                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>IMAGE AND DESIGN</b><br>Gateway: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br>Important Connection: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                                                                   |
| <b>TRANSPORTATION</b><br>Street Connections:<br>Alice Ave.<br>Hwy 60                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>UTILITY AND SPECIAL DISTRICTS</b><br>Water: Town of Milliken<br>Sewer: Town of Milliken<br>Fire Protection: FR-FR<br>Other: N/A                                                                                                                                     |
| <b>PARKS, OPEN SPACE AND RECREATION</b><br>Proposed park and/or trail:<br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>ENVIRONMENTAL ISSUES</b><br>Property in floodplain: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br>Sensitive wildlife habitat area: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO<br>Soil Type: Olney Fine Sandy Loam |
| <b>OIL AND GAS</b><br>Oil and/or gas wells: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                        |
| <b>CERTIFICATION</b><br>I certify that I am the lawful owner of the parcel(s) of land which this application concerns and consent to this action.<br>Owner: <u></u> Union Pacific Railroad Company Date: <u>7/17/2025</u><br>I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing this application I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the Town of Milliken must be submitted prior to having this application processed. <b>(Please fill out an Owner's Affidavit form if you wish to have someone act on your behalf for this application.)</b><br>Applicant: <u></u> CitySwitch II-A, LLC (Agent Ignite Wireless: Kendal Lotze) Date: <u>7/17/2025</u> |                                                                                                                                                                                                                                                                        |
| <b>STAFF USE ONLY</b><br>APPLICATION ACCEPTED:<br>Date: _____<br>By: _____<br>Fee: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                        |

# Town of Milliken Fee Schedule

Effective January 1, 2025

| <b>Chapter 16 - Land Use Code (16-1-90)</b>      |                                                                                                              |                                                                        |                    |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------|
| <b>Fee Schedule Effective 1.1.2025</b>           |                                                                                                              |                                                                        |                    |
| <b>Code</b>                                      | <b>Description</b>                                                                                           | <b>Fee</b>                                                             | <b>Deposit</b>     |
| <b>16 Pre-Application</b>                        |                                                                                                              |                                                                        |                    |
|                                                  | Hourly Rate for Pre-Application Meeting with Town Consultants                                                | \$200                                                                  |                    |
| <b>16-Article I: General Land Use Provisions</b> |                                                                                                              |                                                                        |                    |
|                                                  | <b>Erosion Control &amp; Overlot Grading Permits</b>                                                         |                                                                        |                    |
|                                                  | Overlot Grading Plan Review                                                                                  | \$150                                                                  |                    |
|                                                  | Overlot Grading Permit Fees:                                                                                 |                                                                        |                    |
|                                                  | 50 Cubic Yards or Less                                                                                       | \$23.50                                                                |                    |
|                                                  | 51 to 100 Cubic Yards                                                                                        | \$37.00                                                                |                    |
|                                                  | 101 to 1,000 Cubic Yards                                                                                     | \$37.00 for the first 100 plus \$17.50 for each additional 100         |                    |
|                                                  | 1,001 to 10,000 Cubic Yards                                                                                  | \$194.50 for the first 1,000 plus \$14.50 for each additional 1,000    |                    |
|                                                  | 10,001 to 100,000 Cubic Yards                                                                                | \$325.00 for the first 10,000 plus \$66.00 for each additional 10,000  |                    |
|                                                  | 100,000 Cubic Yards or More                                                                                  | \$919.00 for the first 100,000 plus \$36.50 for each additional 10,000 |                    |
| <b>16-Article II: Zoning</b>                     |                                                                                                              |                                                                        |                    |
|                                                  | Zoning Amendment Text and/or Map Amendment)                                                                  | \$500                                                                  | \$2,000            |
|                                                  | Change of Use Review (Commercial w/no building alterations)                                                  | \$500                                                                  | \$2,000            |
|                                                  | Conditional Use Permit                                                                                       | \$500                                                                  | \$2,000            |
|                                                  | Variances and Appeals - Residential                                                                          | \$150                                                                  | \$2,000            |
|                                                  | Variances and Appeals - Non-Residential                                                                      | \$300                                                                  | \$2,000            |
|                                                  | Master PUD Development Plan - up to 10 lots, 50 dwelling units, or 25,000 sq. ft. (whichever is greatest)    | \$750                                                                  | \$1,500            |
|                                                  | Master PUD Development Plan - 10 to 100 lots, 250 dwelling units, or 100,000 sq. ft. (whichever is greatest) | \$1,500                                                                | \$1,500            |
|                                                  | Master PUD Development Plan - more than 100 lots, 250 dwelling units, or 100,000 sq. ft.                     | \$2,500                                                                | \$1,500            |
|                                                  | Final PUD Development Plan - up to 10 lots, 50 dwelling units, or 25,000 sq. ft. (whichever is greatest)     | \$750                                                                  | \$5,000            |
|                                                  | Final PUD Development Plan - 10 to 100 lots, 250 dwelling units, or 100,000 sq. ft. (whichever is greatest)  | \$1,500                                                                | \$5,000            |
|                                                  | Final PUD Development Plan - more than 100 lots, 250 dwelling units, or 100,000 sq. ft.                      | \$2,500                                                                | \$5,000            |
|                                                  | 2nd Driveway Application                                                                                     | \$100                                                                  | \$300              |
|                                                  | Floodplain Development Permit                                                                                | \$500                                                                  | \$2,500            |
|                                                  | Special Use Permit - Oil & Gas/Commercial Mineral Extraction                                                 | \$1,000                                                                | \$2,000            |
| <b>16-Article V: Subdivisions</b>                |                                                                                                              |                                                                        |                    |
|                                                  | Preliminary Plat - up to 10 lots, 50 dwelling units, or 25,000 sq. ft. (whichever is greatest)               | \$1,000                                                                | \$3,000 + \$20/lot |
|                                                  | Preliminary Plat - 10 to 100 lots, 250 dwelling units, or 100,000 sq. ft. (whichever is greatest)            | \$1,500                                                                | \$4,000 + \$20/lot |
|                                                  | Preliminary Plat - more than 100 lots, 250 dwelling units, or 100,000 sq. ft.                                | \$2,000                                                                | \$6,000 + \$20/lot |
|                                                  | Final Plat                                                                                                   | \$1,000                                                                | \$6,000 + \$20/lot |
|                                                  | Minor Subdivision (Over 5 lots which do not require a preliminary plat)                                      | \$1,000                                                                | \$3,500            |
|                                                  | Replat (Resubdivision)/Lot Line Adjustment/Administrative Plat                                               | \$250                                                                  | \$1,000            |
| <b>16-Article VI: Land Use Applications</b>      |                                                                                                              |                                                                        |                    |
|                                                  | Comprehensive Plan Amendment                                                                                 | \$500                                                                  | \$1,000            |
|                                                  | Site Plan - up to 25,000 sq. ft.                                                                             | \$500                                                                  | \$2,000            |
|                                                  | Site Plan - more than 25,000 sq. ft.                                                                         | \$1,000                                                                | \$3,500            |
|                                                  | Vacation of Right-of-Way or Easement                                                                         | \$250                                                                  | \$1,000            |
|                                                  | Metropolitan District                                                                                        | \$750                                                                  | \$3,500            |
| <b>16-Article VII: Annexation</b>                |                                                                                                              |                                                                        |                    |
|                                                  | Annexation                                                                                                   | \$1,500                                                                | \$5,500            |
|                                                  | Disconnection (De-Annexation)                                                                                | \$750                                                                  | \$2,000            |

**Town of Milliken Fee Schedule**  
**Effective January 1, 2025**

| <b><u>Chapter 18 - Building Regulations</u></b>                                                                           |                                                                                                   |                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
|                                                                                                                           | <b>Description</b>                                                                                | <b>Fee</b>                                                                                          |
| <b>18-1-10 Computation of Capital Improvement Fees for Residential Development</b>                                        |                                                                                                   |                                                                                                     |
| <b><u>(sign permit fees will be calculated the same as building permits and will be based on construction value.)</u></b> |                                                                                                   |                                                                                                     |
|                                                                                                                           | Building                                                                                          | According to UBC Schedule                                                                           |
|                                                                                                                           | Electrical                                                                                        | According to State Regulations                                                                      |
|                                                                                                                           | Electrical - Permits that do not require plan review but do require electrical work               | \$50                                                                                                |
|                                                                                                                           | Construction Meter                                                                                | \$50                                                                                                |
|                                                                                                                           | Plan Review - Residential - New Single Family/Duplex                                              | 30% of Bldg. Permit Fee; Repeat \$50                                                                |
|                                                                                                                           | Plan Review - Residential - New Multi-Family (> 3 units)                                          | 65% of Bldg. Permit Fee; Repeat \$100                                                               |
|                                                                                                                           | Plan Review - Commercial/Industrial                                                               | 65% of Bldg. Permit Fee; Repeat \$100                                                               |
|                                                                                                                           | Plan Review - Resubmittal                                                                         | \$50                                                                                                |
|                                                                                                                           | Building Permit Admin. Fee                                                                        | 10% of Bldg., Electrical, Construction Meter & Plan Review                                          |
|                                                                                                                           | Deferred Payment Fee                                                                              | \$125                                                                                               |
|                                                                                                                           | Use Tax (2.5%)                                                                                    | 2.5% Materials Cost                                                                                 |
|                                                                                                                           | Park Fee                                                                                          | \$600                                                                                               |
|                                                                                                                           | Trails and Open Space Fee                                                                         | \$350                                                                                               |
|                                                                                                                           | Public Facilities Use Fee                                                                         | \$325                                                                                               |
|                                                                                                                           | Street Fee - Residential                                                                          | \$2,000                                                                                             |
|                                                                                                                           | Street Fee - Residential - Frank Farms Subdivision                                                | \$1,525                                                                                             |
|                                                                                                                           | Demolition Permit                                                                                 | \$50                                                                                                |
|                                                                                                                           | Drainage Fee                                                                                      | \$525                                                                                               |
|                                                                                                                           | Police Admin. Infrastructure Fee                                                                  | \$260                                                                                               |
|                                                                                                                           | Admin. Fee Infrastructure Fee                                                                     | \$210                                                                                               |
|                                                                                                                           | <b><u>School Fees for Residential Development (RE-5J Schools)</u></b>                             |                                                                                                     |
|                                                                                                                           | Single Family Detached                                                                            | \$924                                                                                               |
|                                                                                                                           | Single Family Attached                                                                            | \$353                                                                                               |
|                                                                                                                           | Multi Family - Per Unit                                                                           | \$613                                                                                               |
|                                                                                                                           | Mobile Home - Per Unit                                                                            | \$1,530                                                                                             |
|                                                                                                                           | <b><u>Front Range Fire Rescue Fire Protection District Impact Fees (FRFRFPD)</u></b>              |                                                                                                     |
|                                                                                                                           | Residential Single Family or Two-Family (Per Dwelling)                                            | \$1,372.96                                                                                          |
|                                                                                                                           | Residential Multi-Family (Per Dwelling)                                                           | \$1,264.46                                                                                          |
|                                                                                                                           | Any Non-Residential (Per Square Foot)                                                             | \$1.55 per Sq. Foot                                                                                 |
| <b>18-1-20 Computation of Capital Improvement Fees for Commercial and Industrial Development</b>                          |                                                                                                   |                                                                                                     |
|                                                                                                                           | Public Facilities - per sq. ft. of building                                                       | \$0.10                                                                                              |
|                                                                                                                           | Police Infrastructure - per sq. ft. of building                                                   | \$0.10                                                                                              |
|                                                                                                                           | General Administration - per sq. ft. of building                                                  | \$0.10                                                                                              |
|                                                                                                                           | Drainage Fee - Up to 7,000 sq. ft. hard surface                                                   | \$700.00                                                                                            |
|                                                                                                                           | Drainage Fee - per sq. ft. over 7,000 hard surface - per sq. ft.                                  | \$0.32                                                                                              |
|                                                                                                                           | Use Tax (2.5%)                                                                                    | 2.5% Materials Cost or 50% of job valuation as determined by Town using Building Standards Magazine |
|                                                                                                                           | Contractor Licensing Specialty License (excluding electrical) for initial license and for renewal | \$50.00                                                                                             |
|                                                                                                                           | Contractor Licensing - Class II                                                                   | \$75.00                                                                                             |
|                                                                                                                           | Contractor Licensing - Class I                                                                    | \$100.00                                                                                            |

**Town of Milliken Fee Schedule**  
**Effective January 1, 2025**

|  |                        |                          |
|--|------------------------|--------------------------|
|  | Subdivision Inspection | As Billed to the<br>Town |
|--|------------------------|--------------------------|



## Town of Milliken Land Use Application Form

### AGREEMENT FOR PAYMENT OF LAND USE APPLICATION FEES/DEPOSITS

This Agreement is entered into between CitySwitch II-A, LLC Agent (Ignite Wireless: Kendal Lotze) as APPLICANT and THE TOWN OF MILLIKEN, in consideration of the TOWN'S acceptance of APPLICANT'S application for the land use approval as further described below:

1. APPLICANT hereby represents that he/she/it is the owner of 100% of the real property for which this application is being processed or that 100% of the property owners have also signed this application. APPLICANT has submitted to the TOWN an application for approval of:  
Zoning Amendment (Text)  
\_\_\_\_\_
2. APPLICANT acknowledges and understands that the Board of Trustees per applicable ordinance (enclosed) establishes a fee and deposit schedule for Land Use applications. The ordinance and this Agreement shall govern the payment of fees and deposits for processing applications.
3. The application shall not be accepted for processing unless the property owner(s) of record of the property included in the application sign(s) this Agreement.
4. A fee in the amount required by the Town sufficient to cover the internal and external costs of administration, processing, site visits, publication of notice and similar matters will be paid by the APPLICANT for processing the development application. A fee payment of \$ 500 and deposit of \$ 2,000, as required by ordinance shall be paid to the Town prior to processing the application.
5. The applicant shall be required to pay all actual costs incurred by the Town for review of the application by consultants, including but not limited to engineering, surveying, legal and planning plus fifteen percent (15%) of such actual costs for the Town's administrative costs plus supplies. The Town may require a deposit from APPLICANT to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. Subsequent deposits may be required when the initial deposits are eighty-five percent (85%) depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees. The Town shall not continue the processing of any application for which the APPLICANT has refused to deposit the funds to cover the Town's cost of review. Any funds deposited in excess of the standard fees remaining after paying the costs specified above shall be refunded to the APPLICANT. In the event of non-payment of fees, the Town shall have the right to file a legal action to collect any balance due to the Town plus its costs and attorney's fees against any or all persons signing this Agreement as APPLICANT OR OWNER. The Town may certify to the County Treasurer any amount due pursuant to this paragraph as a lien on the property for which the application is submitted to be due and payable with the real estate taxes for the Town if the APPLICANT does not pay such amount within (30) days of written request by the Town.



## Town of Milliken Land Use Application Form

### APPLICANT(S)/OWNER(S)-

(All Owners/Applicants must sign this application)

By: Kendal Lotze

As: Agent to Owner

Date: 7/17/25

Address: 102 Mary Alice Park Rd, Suite 505

Cumming, GA 30040

### TOWN OF MILLIKEN

By: [Signature]

By: \_\_\_\_\_

As: \_\_\_\_\_

Date: \_\_\_\_\_

Address \_\_\_\_\_

Date: \_\_\_\_\_

### Copies to:

Town Planner \_\_\_\_\_

Finance Dept \_\_\_\_\_

Town Clerk \_\_\_\_\_

(Original)

### Attachments:

Land Use Form \_\_\_\_\_

Development Fee Schedule \_\_\_\_\_

Fee Ordinance \_\_\_\_\_



# Town of Milliken Land Use Application Form

## TOWN OF MILLIKEN LAND USE APPLICATION

### OWNER'S AFFIDAVIT FOR ENTITY

*(To be completed only when applicant has an agent)*

STATE OF ~~COLORADO~~ )  
                   Nebraska ) ss.  
 COUNTY OF ~~WELD~~ )  
                   Douglas

I Paul Pino being of lawful age and first duly sworn upon oath do hereby state as follows:

1. This affidavit is based upon my personal knowledge, I am competent to testify, and I would testify to the facts stated in this affidavit, which I warrant are true.

2. Union Pacific Railroad Company, which I will refer to as "Owner," is an owner of property located at:

Union Pacific Railroad ROW, which I will refer to as the "Property."

3. The Owner is a/an *(form of entity: e.g., corporation, limited liability company, partnership, limited liability partnership, limited liability limited partnership, professional corporation, trust, etc.)* that is fully qualified to do business in Weld County, Colorado.

4. The Property is legally described as:  
A PORTION OF THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 67 WEST IN WELD COUNTY, STATE OF COLORADO.

5. I am the Associate Systems Engineer of the Owner, and I am authorized to make the statements contained herein on behalf of the Owner and I do make such statements on behalf of the Owner.

6. If the Owner is not the sole owner of the Property, then the other owners of the Property are the following: N/A.

7. By this affidavit, the Owner requests a *(special use permit, site plan, variance, zone change, subdivision, minor subdivision, annexation, other:* (Zoning Amendment (Text)) *)* through the Town of Milliken, Colorado.

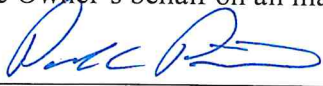
8. Furthermore, the Owner has by lawful and enforceable action duly appointed Kendal Lotze of



## Town of Milliken Land Use Application Form

### TOWN OF MILLIKEN LAND USE APPLICATION

Ignite Wireless as Agent for CitySwitch II-A, LLC as the Owner's agent to  
act in the Owner's behalf on all matters pertaining to this application.

Signed: 

Address:

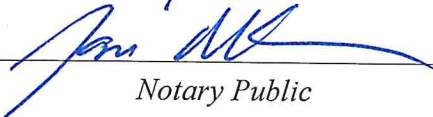
48261 Railroad Ave

Oakridge, OR 97463

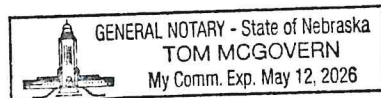
Phone: 414-403-4927

*Subscribed and sworn to before me this*

24<sup>th</sup> day of Apr. 1, 2025.

  
Notary Public

My Commission Expires: May 12, 2026





# Town of Milliken Land Use Application Form

## STATEMENT OF AUTHORITY

Pursuant to C.R.S. §38-30-172, the undersigned hereby executes this Statement of Authority on behalf of Union Pacific Railroad Company, a Delaware corporation, formerly a Utah corporation, the Entity other than an individual, capable of holding title to real property, and states as follows:

The name of the Entity is: Union Pacific Railroad Company

The state, country, or other governmental authority under whose laws the Entity was formed is:

Delaware, formerly a Utah corporation

The Entity is a: (LLC, LLP, Corp., etc.) Corporation

The mailing address for the Entity is: 48261 Railroad Ave, Oakridge, OR 97463

The name or position of the person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the Entity is:

Paul Pino, Associate System Engineer

The limitations upon the authority of the person named above or holding the position described above to bind the Entity are as follows:

Other matters concerning the manner in which the entity deals with interests in real property:

Executed this 24<sup>th</sup> day of April 2025

Signature:

Name:

Title:

Paul C. Pino

Paul C. Pino

Associate Systems Engineer

STATE OF ~~COLORADO~~ )  
Nebraska ) ss.  
COUNTY OF ~~WELD~~ )  
Douglas

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of April 2025, by Paul C. Pino.  
WITNESS my hand and official seal.

My commission expires:

May 12, 2026

