

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5TH STREET**

**MINUTES
WEDNESDAY, JULY 6, 2016, 2:00 P.M.**

HEARING OFFICER MICHAEL GRATTAN

I. CALL TO ORDER

The meeting was called to order at 2:00 p.m. Those present were Hearing Officer Michael Grattan, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. Coffee House Holdings, Inc. dba Starbucks 11477, 2504 Highway 6 & 50, Suite 100, Grand Junction, CO 81505, Beer and Wine

No one was present representing the applicant. The renewal for Coffee House Holdings, Inc. dba Starbucks was found to be in order and approved.

2. Dillon Companies, Inc. dba City Market #51, 630 24 Road, Grand Junction, CO 81505, 3.2% Beer (Off-Premises)

No one was present representing the applicant. The renewal for Dillon Companies, Inc. dba City Market #51 was found to be in order and approved.

3. Bocaza Western Slope LLC dba Bocaza Mexican Grille, 644 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

Mr. Terry DeHerrera, Owner, was present. The renewal for Bocaza Western Slope LLC dba Bocaza Mexican Grille was found to be in order and approved.

4. Outback Steakhouse of Florida, LLC dba Outback Steakhouse #0621, 2432 Highway 6 & 50, Grand Junction, CO 81506, Hotel and Restaurant

No one was present representing the applicant. Ms. Heather Nara with Mesa County Health Department asked for a continuance on this renewal. Ms. Nara explained the applicant is in the Civil Penalty stage with several Health Department issues and she would like a continuance until August 3, 2016 for the applicant to get the issues resolved.

Hearing Officer Grattan asked Ms. Peterson to contact the applicant by certified mail to have them present on August 3, 2016, but if this item gets cleared up, they won't need to appear.

5. Citrola's Italian Grill, LLC dba Citrola's Italian Grill & Bar, 625 Rae Lynn Unit C, Grand Junction, CO 81505, Hotel and Restaurant
No one was present representing the applicant. The renewal for Citrola's Italian Grill, LLC dba Citrola's Italian Grill & Bar was found to be in order and approved.

III. APPLICATION FOR MODIFICATION OF PREMISES

1. JUST BE, LLC dba Barons, 539 Colorado Avenue, Grand Junction, CO 81501, Tavern

Modification: Outdoor dining lease of 480 sq. feet to be added to the licensed premise.

Mr. Jon Baron, Owner, was present. Ms. Peterson reported the paperwork is in order, the applicant will be adding an outdoor dining area to the front of the building of approximately 480 sq. ft. Ms. Peterson said the applicant was granted the Outdoor Dining lease at the June 15, 2016 City Council meeting. The applicant was required to conduct and needs and desires survey for this modification. Ms. Peterson read the results into the record (see attached).

City Attorney Shaver asked Mr. Baron who conducted the survey. Mr. Baron said the two that were present with him who are Jasmine Vanderpool and Casey Knuepfer. City Attorney Shaver asked Ms. Vanderpool and Mr. Knuepfer if they heard the results Ms. Peterson read into the record and if they agreed with them. They both did. City Attorney Shaver asked what days and times was the survey conducted. Ms. Vanderpool said on the 28th and 29th and at different times during the day, and Mr. Knuepfer said on the 22nd, 27th, and 28th, again at different times during those days. City Attorney Shaver asked Ms. Vanderpool and Mr. Knuepfer if they were compensated in anyway by the number of signatures obtained. Both answered no.

Hearing Officer Grattan asked if anyone was present in opposition of this modification being issued. There was no one.

Hearing Officer Grattan approved the modification for the outdoor dining lease to add the 480 sq. ft. patio to Baron's licensed premise.

IV. APPLICATION FOR SPECIAL EVENT PERMIT

1. Western Colorado Botanical Society dba "Chilled by the River", 641 Struthers, Grand Junction, CO 81501 – July 29, 2016 from 6:00 p.m. to 9:00 p.m., Malt and Vinous

VP: Douglas S. Sorter, 349 Lilac Lane, Grand Junction, CO 81505
Event Manager: Honora Thompson, 381 W. Valley Circle, Grand Junction, CO 81507

Mr. Doug Sorter and Ms. Thompson were both present.

City Attorney Shaver provided both of them with three documents, the first two marked with an “A” and the third one marked with a “B” and asked Mr. Sorter if he has personal knowledge of those documents. Mr. Sorter said yes. City Attorney Shaver asked why these were completed. Mr. Sorter said as part of the paperwork for this Special Event application. City Attorney Shaver asked Mr. Sorter to describe the event and the area. Mr. Sorter said that Strive has partnered with United Way for a fundraiser. Mr. Sorter described the designated area which has permanent fencing on the grass area of the Botanical Gardens. Mr. Sorter also described the many events they have had at the same location. City Attorney Shaver asked if there have been any issues at these events. Mr. Sorter said no, that they have been successful since they have been having these. The band will be from 6:00 – 9:00 p.m. and ID’s will be checked at the door and wristbands given to over 21 YOA. City Attorney Shaver asked Mr. Sorter whose signature is about halfway down the second page. Mr. Sorter said his. City Attorney Shaver asked Mr. Sorter to look at the page with the “B” in the upper right hand corner, and asked him to describe what the black line around the property represents. Mr. Sorter said that depicts the perimeter of the event and on a previous event, City Attorney Shaver had him outline it in heavy black marker. Mr. Sorter described that the event area is the same at each event and the attendees purchase the alcohol. Mr. Sorter said there will be two Citadel Security and three volunteers. City Attorney Shaver asked if he believed there would be between 200-400 people. Mr. Sorter said 300-400 would be his guess since this is the first year with this event and United Way.

Hearing Officer Grattan entered Exhibits “A” and “B” (see attached) into the record. He asked if there was anyone present in opposition of this application.

There was no one.

Hearing Officer Grattan found that pursuant to Colorado State Statutes 12-48-106, there are no grounds to deny the special events permit, it would not be injurious to the public welfare because of the nature of the special event (it is a fundraiser), its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable law. He found that the application for a special events permit submitted by Western Colorado Botanical Society dba “Chilled by the River” was in order and approved it.

V. APPLICATIONS FOR NEW LICENSE – RESOLUTION, FINDINGS, AND DECISION

1. Pink’s BBQ, LLC dba Pink’s BBQ, 1012 and 1014 N. 5th Street, Grand Junction, CO 81501, Hotel and Restaurant - **Continued from May 18, 2016**

Member: Sharon Petty, 994 Kestrel Court, Grand Junction, CO 81501

Ms. Sharon Petty, Owner, was present.

Hearing Officer Grattan recognized there being numerous attendees in the audience and said he would like to start with Ms. Nara with Mesa County Health Department. Ms. Nara said there are still issues with non-compliance and the lack of a required hand sink; Mesa County Health Department is asking for a continuance for the application. Hearing Officer Grattan asked Ms. Nara when and if she believed Pink's BBQ would be able to come into compliance. Ms. Nara said she has asked for a construction schedule to be provided to the Health Department by July 12, 2016 and the hand sink to be installed by July 19, 2016, so until she sees this, she is uncertain.

Hearing Officer Grattan asked the audience if everyone in the room is either for or against this license being approved. There were nods of their heads in the affirmative.

Hearing Officer Grattan said he would begin by hearing from opposition to this license being used.

Mr. Frank Francese, 527 Belford Avenue, approached. Hearing Officer Grattan recognized Mr. Francese having numerous documents from him. He asked Mr. Francese to summarize the documents, not to read each one. Hearing Officer Grattan said he would read each one himself after this hearing but for Mr. Francese to explain to the Authority in his own words the issues. Hearing Officer Grattan marked each of the documents submitted as an Exhibit. They are A-H and entered them into the record.

Mr. Francese began by explaining his property, his business, how long he has lived there, past issues with a previous alcohol establishment, the small smoker, the large smoker, who he has contacted, his complaints, hiring Mr. Robert Traylor to represent him, his contact with Melissa Salter a County Pollution Department employee and Monique Mull with Mesa County Health Department, the neighbors he talked to, his attendance at the May 18th Liquor and Beer meeting for Pink's BBQ application for a liquor license, his health, and if this pollution does not stop, he will have to vacate his home for his health.

Mr. Robert Traylor, P.C. explained that he is here on behalf of his client, Mr. Francese, and he has filed a nuisance complaint under City Code Chapter 8.08 just this afternoon directed to Code Enforcement and the City Manager, and which City Attorney Shaver was copied on this. It is his hope for an investigation and resolution to this matter. Mr. Traylor has several suggestions for the Authority to solve this matter from moving the cooker, deny the application, and what the licensing Authority would be able to do.

Kristin Winn, representing local Citizens with Clean Air, explained that there are very few regulations that address outdoor BBQ smokers. If the smoker was indoors, there would be regulations to address the issues. It is her belief that as a City we need to protect our citizens.

Karen Sjoberg, Chair of Citizens with Clean Air, was present along with several others from this organization. She explained they are here to support Mr. Francese and there are definite issues with the noxious emissions and odors.

She agreed with Mr. Traylor's suggestions but would like to add one additional comment; if there could be mediation involved it would be a great idea.

Charlie Host, with Citizens with Clean Air, said he contacted the building department and found out a non EPA stove can be installed. His concern is for the carbon monoxide coming out of the smoker and or stove. He would encourage the business to work with the neighborhood.

Michael O'Boyle, 538 Teller Avenue, said he lives south of Mr. Francese and many nights they have to turn their swamp cooler off due to the odors. These are smaller lots, 50' x 125', in this area.

Hearing Officer Grattan asked Ms. Petty if she had an objection to the continuance. She said she did not. City Attorney Shaver asked Ms. Nara if the continuance until August 3, 2016 will give the applicant enough time to install the hand sink as this is a new situation and if Pinks BBQ is in civil penalty now. Ms. Nara said they have corrected 4 of the 6 critical violations, and paid a fine yesterday. This has not created an additional civil penalty.

Ms. Petty stated she is confused as why we are here today, she believed this to be a hearing for a liquor license, but with the other noxious odors, is this the right forum for this?

Hearing Officer Grattan explained that under his jurisdiction, he can only rule on the issuance of a new liquor license. But to rule on this, he explained the compliance issues for each agency are involved along with the needs and desires survey which he still has not heard those results. That is how he bases his decision on the issuance of a new and/or transfer of a liquor license.

City Attorney Shaver said if his office receives the complaint mentioned and if there is any other code enforcement issues from any other departments, his office will respond to those. City Attorney Shaver wanted to let those in attendance today to know that the Hearing Officer has not entertained the actual hearing process yet.

Hearing Officer Grattan asked Ms. Peterson to read the results of the survey conducted for Pinks BBQ into the record for the attendees to hear, but he still will not decide today (see attached).

Hearing Officer Grattan asked if there was anyone else in attendance who would like to speak for or against this issue.

Mr. Francese asked if there was nothing this Authority could do between now and August 3rd in regards to the business still being able to operate as normal. Hearing Officer Grattan and City Attorney Shaver explained the process and that this was the Authority just for issuing the liquor license.

Mr. Shawn Petty spoke in support of the BBQ restaurant. He said they are working hard to benefit the community by creating jobs.

Hearing Officer Grattan said he will make a decision on August 3, 2016 at the Liquor and Beer meeting to approve or deny this license.

VI. OTHER BUSINESS

1. Ms. Peterson reported there has been no contact from Hideaway Lounge to schedule the meeting the Authority requested of them. Hearing Officer Grattan asked Ms. Peterson to contact them so a time and date can be set up before August 2, 2016; if not it can be addressed at the August 3, 2016 Liquor and Beer meeting.

VII. ADJOURNMENT – 3:13 p.m.

NEXT REGULAR MEETING – July 20, 2016

MEMO: Local Licensing Authority

FROM: Juanita Peterson, Deputy City Clerk

DATE: June 30, 2016

SUBJECT: Application for a modification of premises to add a patio area to the current liquor license by Just Be LLC dba Barons, 539 Colorado Avenue, Grand Junction, CO 81501

Just Be LLC filed an application with the Local Licensing Authority on June 9, 2016 for a modification of premises to add a patio area to the current hotel and restaurant liquor license permitting sales of malt, vinous, and spirituous liquors by the drink for consumption on the premises at 539 Colorado Avenue under the trade name of Barons. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for July 6, 2016.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Grand Avenue, South by South Avenue, 10th Street on the East, and 4th Street on the West and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check, the **YES** column if you **SUPPORT** the proposed modification of the premises as described because this will not conflict with the reasonable requirements of the designated area and it is your desire the modification be approved. Check the **NO** column if you **OPPOSE** this proposed modification of premises as described because this will conflict with the reasonable requirements of the designated area and it is your desire the modification **not be approved**.

Business Results:	FAVOR:	68
	OPPOSE:	0

Residential Results:	FAVOR:	54
	OPPOSE:	0

There were nine responses that were disqualified due to being out of area and two with no addresses.

No letters of opposition or counterpetitions have been filed to date.

The Grand Junction Police Department will be investigating the owner for local criminal background check and that the diagram matches the establishment. Reports have been requested by the Grand Junction Fire Department, the Grand Junction Sales Tax Department, and Mesa County Health Department.

The number of liquor licensed outlets in the survey area are:

Hotel and Restaurant = 11 (The Winery, Junct'n Square Pizza, Blue Moon Bar and Grill, LeRouge, Las Maria's, Taqueria Guadalajara, Mx Tapas Bar, Bin 707 Food Bar, 626 on Rood, Suehiro Japanese Restaurant, Il Bistro Italiano)

Tavern = 4 (Thunderstruck Valley, Mesa Theater, Quincy Bar and Grill, Avalon Theater)

Beer and Wine = 2 (Café Sol, The Palette)

Art = 3 (The Raw Canvas, The Main Street Gallery, CMU Downtown Art Gallery)

Club = 1 (Grand Junction Elks Club)

Brew Pub = 1 (Rockslide)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Meghan Woodland, Grand Junction Police Department
File

A

SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT

1. Name of Event: Chilled by the River

2. How many attendees are expected at this event?
200-400

3. Has the event been held in the past? If so, how many years?
No

4. Have there ever been any violations or citations issued during the event in the past?
N/A

5. Describe the premises at which this event will take place.
The event will take place at the Western Colorado Botanical Gardens property. It will be on the front lawn and rose garden.

6. What type of security will be provided at this event?
We will have two officers with Citadel Security and an additional 3 volunteers in yellow vest with security on back.

7. How many security personnel will be on hand?
We will have two officers on hand.

8. How will security personnel be identified?
They will be in CSI uniforms and volunteers with wear yellow vest with the word security on the back.

9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?
The area is fenced off except entrance and exit doors which will be guarded by officers and/or volunteers and staff.

10. What method will be used in checking identification for proper age of attendees (i.e., at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)
We will check IDs at the door and provide wristbands for those 21 and over.

A

- 11. How will the conduct and level of intoxication of attendees be monitored and by whom?
Our security officers will monitor attendee's conduct, as well as staff and volunteers serving alcohol. Those serving will be trained to refuse service for those appearing to be intoxicated.

- 12. Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?
Our event manager has received TIPS certification and training. Volunteers and staff will be informed of laws and alcohol service before the event begins.

- 13. What types of alternate beverages and food/snacks will be available?
We will have water and possibly lemonade and tea. There will also be food trucks on site: Michael Angelo's Wood Fired Pizza and Cowboy & the Rose.

- 14. Has a State and City Sales Tax Number been initiated by you or a member of your organization? If so, provide those numbers in the space provided.
No as we are a non-profit 501 (c) 3 tax ID # 9801197

I hereby certify, under penalty of perjury, that the information provided to the Grand Junction Liquor Licensing Authority contained in this affidavit is true and accurate to the best of my knowledge.

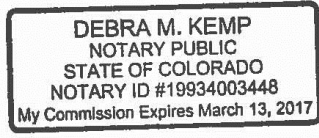
[Signature] Date 5/6/16
Applicant's Signature

STATE OF COLORADO)
COUNTY OF MESA) SS.
CITY OF GRAND JUNCTION)

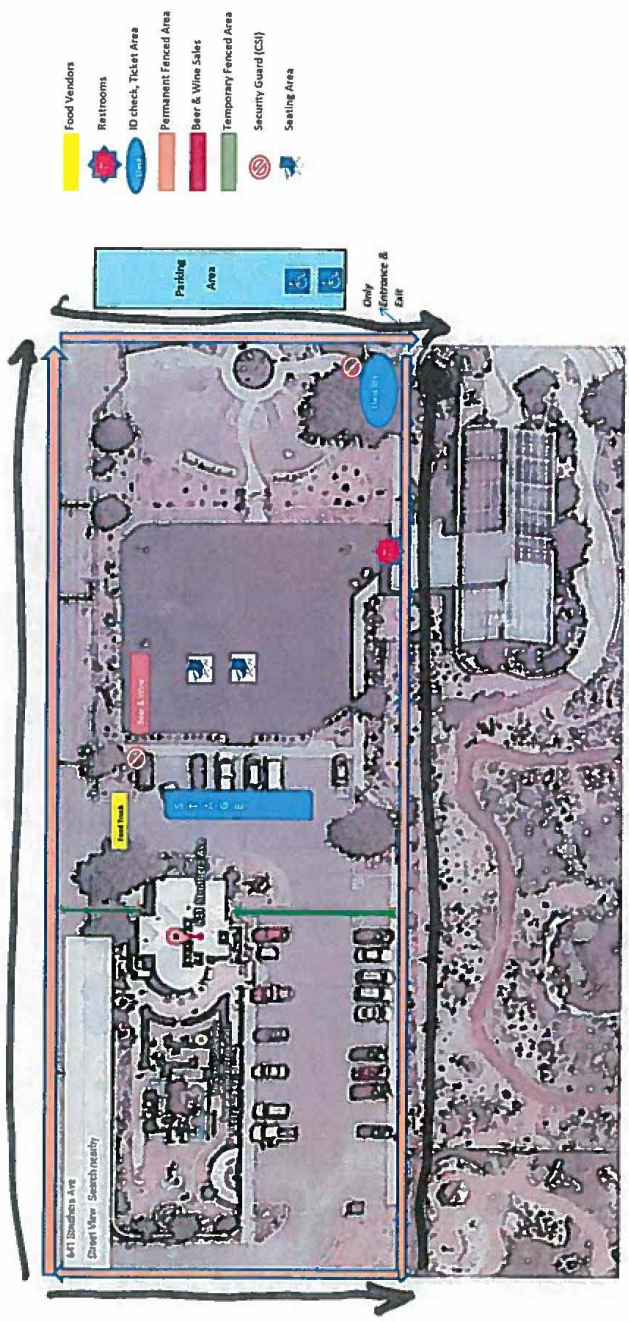
Subscribed and sworn to before me this 6th day of May, 2017.

Witness my hand and official seal.

[Signature] My commission expires 3/13/2017
Notary Public



B



A

July, 6, 2016

Frank Francese
527 Belford Ave
Grand Junction, CO 81501
970-245-5278

Grand Junction Liquor Board Hearing for Pink's BBQ
Grand Junction City Hall
250 North 5th St
Grand junction, Co 81501

Dear Liquor Board Hearing

My name is Frank Francese and I reside at 527 Belford Ave in Grand Junction. I own the property and also have my business, Francese Watercolors, in my home. When I purchased the property 15 years ago I was told I could use it as a business if I live in the home at the same time. I purchased the property with the idea that when I retired I would have a studio to sell my work and conduct watercolor workshops to the public. For the last 15 years I travel 3 continents teaching watercolor painting. There were years I was gone for 30-35 weeks each year. I will have the home paid off this year and next year I will retire.

- We have a pollution/odor problem on Belford Ave. The odor problem is caused by Pinks BBQ meat smoker, located on the corner of 5th Belford Ave.
- The problem started on April 24, a Sunday, when they moved a commercial meat smoker on the property. Before they had used a smaller smoker, the exhaust from it was bad, but tolerable and we put up with the smell. Once the new smoker was up and running they started smoking meat 24/7. At night they would load it up and then leave. Leaving the neighborhood to deal with the smell and pollution.
- The smoke/odor from the exhaust is very nauseating, causing headaches and coating your sinuses with a fatty smell and taste. Some mornings there would be blood in my nasal discharge after a difficult evening of breathing the pollution/smell. On two different evenings I woke-up coughing and choking on the fumes and the odor was overwhelming!
- May 1, 2016, I contacted City Hall and was told to contact Code Enforcer, Mike Ferguson. I called and left a message. I even walked down to PD to see Mr Ferguson, I was told he would contact me. I received a call from Mr Ferguson and he stated he would look into the matter. Please look at the enclosed emails from Mr Ferguson and myself to understand the amount of communication between us.
- May 6, 2016 I returned home from the Art Center Auction around 9:15pm. I no sooner stepped out of car when I noticed the smell/odor, which was everywhere in my yard, once I opened my door to my house I found every room and all belongings were saturate with the odor. It was a miserable night with headaches, coughing etc. With each instance I would contact Code Enforcer and County Health. For the amount of complaints I filed there was less communications between myself and city and county officials.

- After the May 6th complaint I started marking my calendar on days when the odor was present. My house is affected by the direction of the wind that carries the smell. Some days we were OK, only smelling it occasionally during the day. Then Pink's ramped up the cooking/smoking and from May 27- June 13, the smell was overwhelming. I was in Denver the evening of June 9. Each day and evening the smell continued to invade my home, my clothes, my carpet and my body. On some days I see where I marked were very bad almost to the point of choking on each breathe. I even tried to talk to Pink's about this. I walked over and asked for a manager and the man stated he was the manager. I stated the problem and his response was nill, nothing! He could care less about how his actions were affecting the neighborhood. I went over on two different occasions to try and reason with them and the last time the encounter escalated into a shouting match, that is when I walk off.
- The first week in June, with temperature hovering around 100*, the smoke and smell was so bad I had to shut all windows and doors and turn off my swamp cooler. It was after 5pm, so I called Code Enforcer and County Health and left a message. I then called the PD and talked to a really nice lady. I told her the problem and she suggested I contact a County Commissioner.
- June 2, 2016, I wrote a letter to Commissioner McInnis explaining the problem. He phone me stating he would look into the matter. The next day, June 3rd, he phone me and said he could do nothing after learning all enforcement is with the city, it had something to do with their Charter. He suggested I contact Rep Dan Thurlow and Senator Ray Scott.
- So, on June 4th I email both Mr Thurlow and Mr. Scott. The evening of June 15 there was a knock on my door and when I opened it, Rep Dan Thurlow was on my doorstep. Needless to say, I shocked that he would stop by. I explained the problem and he said he would look into the matter.
- June 13, I hired a lawyer, Robert Traylor, to help me with this mess. He contacted a City Council member and was told that any business discharging burning exhaust has to have a state pollution permit. He email the state and found that Pink's BBQ had no permit.
- I contact Melissa Salter at County Pollution Dept and filed a complaint. I was contacted by Monice Mull and she set up a meeting, June 14th, to hear the complain. Mr Traylor and I attended the meeting and I stated my complaint. We were told they would look into the matter. I even offer them my property to set up any pollution monitors to record the levels of pollution. To this day I have not heard back from them.
- After the meeting, I checked with my neighbors to see if they have been experiencing any smell problems. I found two homeowners with the same problem and mentioned they should write to County Pollution board with their complaints. The two homeowners have written their letters and sent them to Melissa Salter.
They are:
 - Andy Fotopulos: 926 N. 5ht St, Grand Junction, CO 81501
 - Scott Stoaks: 557 Belford Ave, Grand Junction, CO 81501
- This last weekend, July 2 and July 5th the cooking/smoking has continued, on Saturday June 2, I called Code Enforcer and County Health, again I got no response to my complaint.

I attended the May 18, 2016 meeting, at City Hall, for Pink's BBQ application for a Liquor License. I voice my objection to the application and told the board of my struggles with the pollution/odor problem. The residents and homeowners are objecting to the application for the following reasons:

- The smell and odor the cooking of the meat is affecting the health and well being of all residents on 5th and Belford.
- We are concerned how this will affect the value of our property when we sell.
- Liquor brings in crime, drugs and deviant behavior from the people visiting Pink's if they are given the application.
- A few years ago we had a liquor establishment on the corner of 5th and North Ave. It brought into the neighborhood all kinds of problems for us to deal with.
- I had to build a \$8000 security fence around my property to keep the drunks out, as they used my lawn for their antics. I would return home and find empty beer and whiskey bottles, used condoms, women panties, and used hypodermic needles, some still containing drugs. I even had a drunk fall through my bedroom window screen, late one summer evening. He cussed me for hindering his progress to get home!
- I submitted a petition to the City Clerk Office signed by myself and four other residents in objection to Pink's Application for a Liquor Licence.
- I am also concerned with parking as the patrons of Pink's will use my business parking in front of my home, leaving my patron's with no place to park while visiting my business.
- I am fighting for my home, my business and lastly, my health. I have experienced headaches, sinus discharge with blood, and a nauseating feelings in my stomach from the smoke. The smoke is colorless once it leaves the smoker and the only way to detect it is by smelling it. Please look at the pictures I have provided to see the discharge from the smoker.
- I will have to vacate my home if this pollution is not stopped. I will loose 15 years of work and my dream of a good retirement.

Please help us in our struggle for clean air.

Thank you,



Frank Francese

(B)

June 27, 2016

Frank Francese
527 Belford Ave
Grand Junction, CO 81501
970-245-5278

Stephanie Tuin
Grand Junction City Clerk
250 North 5th St
Grand junction, Co 81501
970-244-1509

Dear City Clerk Tuin,

My name is Frank Francese and I reside at 527 Belford Ave in Grand Junction. I own the property and also have my business, Francese Watercolors, in my home. When I purchased the property 15 years ago I was told I could use it as a business if I live in the home at the same time. I purchased the property with the idea that when I retired I would have a studio to sell my work and conduct watercolor workshops to the public. For the last 15 years I travel 3 continents teaching watercolor painting. There were years I was gone for 30-35 weeks each year. I will have the home paid off this year and next year I will retire.

We have a pollution problem on Belford Ave. The pollution is caused by Pinks BBQ meat smoker, located on the corner of 5th Belford Ave.. The problem started on April 24 when they moved a commercial meat smoker on the property. Before they had used a smaller smoker, the exhaust from it was bad, but tolerable and we put up with the smell. Once the new smoker was up and running they started smoking meat 24/7. At night they would load it up and then leave. The smoke from the exhaust is very nauseating, causing headaches and coating your sinuses with a fatty smell and taste. At this time I contacted City Hall and was told to contact Code Enforcer, Mike Ferguson. I called and left a message. I even walked down to PD to see Mr Ferguson, I was told he would contact me. I received a call from Mr Ferguson and he stated he would look into the matter. Please look at the enclosed emails from Mr Ferguson and myself to understand the amount of communication between us.

The first week in June, one evening the smoke was so bad I had to shut all windows and doors and turn off my swamp cooler. It was after 5pm, so I called Code Enforcer and County Health and left a message. I then called the PD and talked to a really nice lady. I told her the problem and she suggested I contact a County Commissioner. The next day I wrote a letter to Commissioner McLinnis explaining the problem. He phone me stating he would look into the matter. The next day he phone me and said he could do nothing after learning all enforcement is with the city, it had to do with their Charter. He suggested I contact Rep Dan Thurlow and Senator Ray Scott. So, on June 4ht I email both Mr Thurlow and Mr. Scott. The evening of June 15 there was a knock on my door and when I opened it Rep Dan Thurlow was on my doorstep. Needless to say, I shocked that he would stop by. I explained the problem and he said he would look into the matter.

At that time I hired a lawyer, Robert Traylor, to help me with this mess. He contacted a City Council member and was told that any business discharging burning exhaust has to have a state pollution permit. He email the state and found that Pink's BBQ had no permit.

So I contact Melissa Salter at County Pollution Dept and filed a complaint. I was contacted by Monice Mull and she set up a meeting to hear the complain. Mr Traylor and I attended the meeting and I stated

my complaint. We were told they would look into the matter. I even offer them my property to set up any pollution monitors to record the levels of pollution. To this day I have not heard back from them.

It was mentioned that I get more residents to write to County Pollution board with complaints, along with my complaint, two other homeowners have written their letters and sent them to Melissa Salter. They are:

- Andy Fotopulos: 926 N. 5th St, Grand Junction, CO 81501
- Scott Stoaks: 557 Belford Ave, Grand Junction, CO 81501

Please check the emails to all the different folks, I have enclosed, so you can have a better idea as to the amount of time I have taken with this matter.

I attended the May 18, 2016 meeting, at City Hall, for Pink's BBQ application for a Liquor License. I voice my objection to the application and told the board of my struggles with the pollution problem. The resident homeowners are objecting to the application for the following reasons:

- Liquor brings in crime, drugs and deviant behavior from the people visiting Pink's.
- A few years ago we had a liquor establishment on the corner of 5th and North Ave. It brought into the neighborhood all kinds of problems for us to deal with.
- I had to build a \$8000 security fence around my property to keep the drunks out, as they used my lawn for their antics.
- I am taking a petition around for the homeowners to sign in objecting to the application approve able.
- I am concerned with parking as the patrons of Pink's will use my business parking in front of my home, leaving my patron's with no place to park while visiting my business.

I am fighting for my home, my business and lastly, my health. I have experienced headaches, sinus discharge with blood, and a nauseating feelings in my stomach from the smoke. The smoke is colorless once it leaves the smoker and the only way to detect it is by smelling it. Please look at the pictures I have provided to see the discharge form the smoker.

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Please help us in our struggle for clean air.

Thank you,



Frank Francese



June 27, 2016

Frank Francese
527 Belford Ave
Grand Junction, CO 81501
970-245-5278

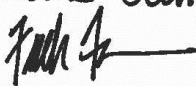
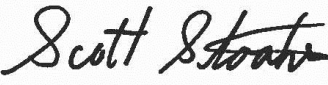
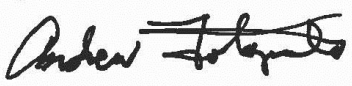
Grand Junction City Clerk
250 North 5th St
Grand junction, Co 81501
970-244-1509

Dear Sir,

We, the residents of 5th Belford Ave in Grand Junction, Co would like to voice our opposition for Pink's BBQ application for a Liquor License. Pink's BBQ is located on the corner of 5th and Belford. We are concerned about the adverse impact it would have on our neighborhood. A few years ago we had a liquor business on the corner of 5th and North Ave and we experienced an increase in crime, drugs, parking problems and bad behavior from people who visited the business.

Hopefully our voice will be heard and acted upon.

Listed below are the residents who are concerned about the up coming hearing on the Liquor application, for Pink's BBQ before the city review board.

- Frank Francese
527 Belford Ave
Grand Junction, Co 81501

- Scott Stoaks
557 Belford Ave
Grand Jct Co. 81501

- Andrew Fotopoulos
926 N. 5th Street
Grand Junction, Co 81501




PAGE 2

- Amber Maickel
531 belford avenue, grand junction, CO
Amber Maickel
- MICHAEL O'BOYLE
538 TELLER AVE GRAND JUNCTION CO. 81501
Michael O'Boyle

(D)

>>> Frank Francese <frankingj@gmail.com> 5/8/2016 7:48 AM >>>
Dear Officer Ferguson

My name is Frank Francese.
527 Belford Ave
Grand Junction, Co 81501
970-245-5278

I contacted you a week ago with my concerns for the air quality here on the 5th St of Belford Ave. Across the street from my home is the restaurant Pink's BBQ. Two weeks ago they moved a large meat smoker on their property. Once it was up and running they started smoking meat during the day and all evening long. For the last year they were using a smaller version of smoker and the air quality was tolerable, we were able to live with the pollution.

Now, with the larger model of smoker, they are polluting the block of 5th Belford. I know the smoker is not to code as it should have a 10 ft stack to carry the smoke into the atmosphere, away from the houses on the block.

Last Friday evening I returned home around 9:30pm; I noticed a huge smoke present in my yard. Upon entering my home, as soon as I opened the front door I noticed each room was filled with the putrid smell of BBQ Pork and Beef. Having left the windows open for fresh air, I gave the smoke access to my home. I called your number and left a message concerning this problem. Each evening they start smoking around 8pm and it is all night long. Now, the last two mornings I have woke up and found blood in my handkerchief when I cleared my nose.

This is a huge problem.

It is affecting everyone in the block. I have walked around the block talking to other folks and they are as concerned as I am.

Roger Huffman and son Cody
538 Belford Ave
970-201-1662

Roger and Cody live directly east of Pink's and are caught in the easterly flow of air/wind.

Also, Cody, age 9-10 years old, has Special Needs and he cannot play in the yard in the evenings

I have also talked with Scott who is a homeowner at 557 Belford Ave. He is really concerned.

I will talk to more of my neighbors in the following days and see where they stand on this issue.

I would like to meet with you tomorrow morning. I will be at the Police Dept at 8 am hopefully you will see me and we can discuss the problem. Please help us, we are all blue-collar folks and we have no where else to turn. Also, we cannot afford to take this to civil court.

Thank you,
Frank Francese

On 5/26/2016 7:09 AM, Mike Ferguson wrote:

Hi Frank,
Hope your trip is going well.
Here's where we stand:
The Fire Dept has reinspected and all fire code violations have been corrected for the new smoker.
The Mesa County Building Dept has said that there are no building or mechanical codes that pertain to the outdoor cooking appliance.
The Fire official told me that a taller smoke stack has been added to the smoker, and this could help dissipate/reduce the smoke smell.
Pinks is now in compliance with Grand Junction Municipal Code.
I truly hope that the smoke issue is at least much improved for the neighborhood.

Sincerely,
Mike Ferguson

Mike Ferguson
Code Enforcement Officer
Grand Junction Police Department
555 Ute Ave.
Grand Junction, CO 81501
[\(970\) 549-5335](tel:(970)549-5335)

>>> Frank Francese <frankingi@gmail.com> 5/14/2016 8:18 AM >>>

Mike,
Please call me Frank. Thank you! Please contact me when you know more.
I will be gone the May 20-27 as I am working in Indianapolis. Just call or email me.
Frank

On 5/13/2016 10:37 AM, Mike Ferguson wrote:

Hi Mr. Francese,
I heard your message this morning but was waiting to hear back from the Fire officials.
They are arranging to inspect the new smoker with someone from the Mesa County Building Dept as well, in order to re-check for any fire or building code violations.
I don't know if the inspection will happen today but I will keep you posted.

Sincerely,
Mike Ferguson

Mike Ferguson
Code Enforcement Officer
Grand Junction Police Department
555 Ute Ave.
Grand Junction, CO 81501
[\(970\) 549-5335](tel:(970)549-5335)

Subject: Re: Pink's BBQ Belford Ave
From: Frank Francese <frankingi@gmail.com>
Date: 6/2/2016 6:22 AM
To: Mike Ferguson <mikef@ci.grandjct.co.us>

Mike,

I gave your office another call at 11:20 last evening. I woke up coughing and the smoke was all in my house. I opened my bedroom window about 6" before I went to bed at 9:30 and was up until about 1 am and finally got up at 4am and cleaned out my cooler pads as they were full of the smell of cooking meat. My whole house is saturated with the smell of burning fat! After I called your office I called the Police Department, and the kind lady told me I should approach the County Commissioners. I called McInnis office and told them/left a message that I was bringing a letter, describing the situation. My next option is contacting a lawyer and starting a civil suit against all parties. I do not want to go down this road, but I will to save my health and my retirement home. I learned in Civic class in high school that one of the governments responsibilities, whether county, state, federal, is the protection of its citizens. I hope no one gets sick with this situation, last night the police officer wanted to send an ambulance to check me out at hospital, I declined as I do not have the money for this. At this time I am coughing, my sinus are running constantly, headaches etc. I cannot even work in my home because of this. Hopefully you will help us and do the right thing. Thank you Frank Francese I will continue to call your office when my health and home is threatened.

On 6/1/2016 2:30 PM, Mike Ferguson wrote:

Hi Frank,
I'll be talking with Mesa County Health Dept and the City Attorney again tomorrow to see what recourse you may have that we haven't covered.
Mike Ferguson

Mike Ferguson
Code Enforcement Officer
Grand Junction Police Department
555 Ute Ave.
Grand Junction, CO 81501
[\(970\) 549-5335](tel:9705495335)

>>> Frank Francese <frankingi@gmail.com> 5/29/2016 7:34 AM >>>

Mike,

I returned from Indy Friday afternoon ...and once again the smoke was in my yard on Friday evening and Saturday and you should have seen the smoke at 7:13am this morning. How can they come into the neighborhood and do this! It seems everyone is looking the other way. They did not put an extension on the stack of the cooker. I cannot live like this. My investment in my home has dropped considerably with this. Thank you for your help.
Frank

they were full of the smell of cooking meat. My whole house is saturated with the smell of burning fat!

After I called your office I called the Police Department, and the kind lady told me I should approach the County Commissioners. I called McInnis office and told them/left a message that I was bringing a letter, describing the situation.

My next option is contacting a lawyer and starting a civil suit against all parties. I do not want to go down this road, but I will to save my health and my retirement home.

I learned in Civic class in high school that one of the governments responsibilities, whether county, state, federal, is the protection of its citizens. I hope no one gets sick with this situation, last night the police officer wanted to send an ambulance to check me out at hospital, I declined as I do not have the money for this. At this time I am coughing, my sinus are running constantly, headaches etc. I cannot even work in my home because of this.

Hopefully you will help us and do the right thing.

Thank you Frank Francese

I will continue to call your office when my health and home is threatened.

On 6/1/2016 2:30 PM, Mike Ferguson wrote:

Hi Frank,

I'll be talking with Mesa County Health Dept and the City Attorney again tomorrow to see what recourse you may have that we haven't covered.

Mike Ferguson

Mike Ferguson
Code Enforcement Officer
Grand Junction Police Department
555 Ute Ave.
Grand Junction, CO 81501
[\(970\) 549-5335](tel:(970)549-5335)

>>> Frank Francese <frankingj@gmail.com> 5/29/2016 7:34 AM >>>

Mike,

I returned from Indy Friday afternoon ...and once again the smoke was in my yard on Friday evening and Saturday and you should have seen the smoke at 7:13am this morning.

How can they come into the neighborhood and do this!

It seems everyone is looking the other way. They did not put an extension on the stack of the cooker.

I cannot live like this. My investment in my home has dropped considerably with this.

Thank you for your help.

Frank

On 5/26/2016 7:09 AM, Mike Ferguson wrote:

Hi Frank,

Hope your trip is going well.

Here's where we stand:

The Fire Dept has reinspected and all fire code violations have been corrected for the new smoker.

Re: PINK S BBQ BELFORD AVE

Subject: Re: Pink's BBQ Belford Ave
From: Frank Francese <frankingi@gmail.com>
Date: 6/4/2016 8:06 AM
To: Mike Ferguson <mikef@ci.grandjct.co.us>

Mike,

Any help you can give us will be appreciated.

Yes, by all means test the exhaust of the smoker for cancer causing particles. I am having physical problems from being exposed to the exhaust; I cannot breathe it anymore as it makes me sick to my stomach and the headaches are sever.

I was over taking pictures of the smoker and noticed the exhaust is about 10 feet from Pink's own swamp cooler, not only are they polluting the neighborhood but they are endangering their customers to their foul air. I am taking pictures of it in order to send to Representative Dan Thurow and Ray Scott and notify them to the problem. Hopefully they will help. We need to fix this, Mike!

I cannot understand the city of Grand Junction reluctance to fixing the problem as they are not protecting the welfare of it tax paying citizens. Protecting the citizen of the city should be its number one priority.

I am organizing the neighborhood, just talked to my neighbor Scott and he is sending me his contact information etc. I now have three parties involved.

Thank you, Please help us!

Frank Francese

I sent you my letter to Commissioner McInnis and I will send you the letters to Representatives Thurow and Scott.

On 6/3/2016 7:52 AM, Mike Ferguson wrote:

Good morning Frank,

I spoke with City officials again yesterday and they agree that as far as code enforcement goes, I've done what I can.

I am working with Melissa at Mesa County Health Dept. to see if they can come out and test the air quality in the neighborhood. She is out of the office today, back on Monday and I'll speak with her again.

I think it would be good if the neighbors petitioned Pink's, letting them know your perspective and asking for their help/cooperation. Just another angle to seek relief.

Sincerely,

Mike Ferguson

>>> Frank Francese <frankingi@gmail.com> 6/2/2016 7:22 AM >>>

Mike,

I gave your office another call at 11:20 last evening. I woke up coughing and the smoke was all in my house. I opened my bedroom window about 6" before I went to bed at 9:30 and was up until about 1 am and finally got up at 4am and cleaned out my cooler pads as

3

Francesse Watercolors
Frank Francesse
527 Belford Ave
Grand Junction, CO 81501
970-245-5278
<frankingj@gmail.com>

Commissioner Scott McInnis
544 Rood Ave
Grand Junction, CO 81501
970-244-1604

Dear Commissioner McInnis,
My name is Frank Francesse. I am a resident/home owner of Grand Junction and have my business, Francesse Watercolors, in my home on Belford Ave.
I would like to bring to your attention a health issue the residents of Belford Ave are dealing with:

A couple years ago Pink's BBQ open across the street from my home. At that time they were using a small smoker to cook their meat. The smoke from the cooker was tolerable, it was offensive but we lived with it. About two months ago, Pink's move in a huge commercial smoker and fired it up, they were cooking 24-7.

With the larger smoker, it produced a larger volume of smokeless exhaust. On calm days the smoke settles among our houses and invades every kook and cranny of my living area. There are times when the smoke is terrible, I can hardly breathe. Headaches, nausea, coughing are with me everyday, 24-7.

I went over twice and told Pink's what was happening and asked them to help remedy the situation; they ignored all my requests to help the residents of 5th Belford Ave handle their pollution. They have brushed all our concerns to the side, dismissing them as rubbish.

At that time I went to City hall and inquired about whom I should contact concerning this matter. Gayleen Henderson was very helpful and gave me the contact information for Mike Ferguson-Code Enforcer for the city. I contacted Mike and he was very helpful. He involved the city, Fire Dept and County Pollution offices. Mike has taken it as far as his authority will allow him. Out of all the folks I have dealt with, Mike has been the most helpful.

On May 18, 2016 at City Hall, there was a Liquor License application meeting concerning Pinks Application for a liquor license,. I attended the meeting, voiced all my objection to the three member panel, one of the members was the City Attorney. I was told that all departments were working on solving the problems. I was told to keep alerting the Code Enforcer office of any more instances where the smoke invades my home.

On May 20, 2016 I flew into Indianapolis to work for a week and I returned home May 27 around 5pm. I no sooner stepped out of the car, when I was assaulted with a huge cloud of smokeless pollution from Pinks. All weekend the pollution was terrible. I kept calling Mike F. office and alerting him to the problem.

Last night, June 1st, I retired to bed around 9:30 pm, read a little while and then went to sleep. At 11:18 pm I woke up coughing and noticed the house was full of Pink's pollution. I made the mistake of opening my bedroom window about 6 inches so I could have some air movement in my home. All other windows were closed. I staggered out of bed and turned on the air to remove the smoke from my home. It took about 10 minutes to clear as much smoke as possible from the house, then I shut down the swamp cooler and sealed all windows. Before I retired to bed I called Mike F. office and alerted him to the problem and then called the Police Department regular number, not 911. The woman officer I spoke with was very helpful and directed me to notify your office of this continuing health problem.

Hopefully, Commissioner McInnes, you can help the residents of 5th Belford. We are all blue collar folks and cannot afford a civil suit against Pinks. We can barely make ends meet as it is. Our one joy was the use of our yards for relaxation and entertainment in the evenings, now we no longer have that option.

Years ago, in my Civic class, I learned that one of governments responsibilities was protecting their citizens from harm. Please help us in our time of need as we have no where else to turn.

I would like to inquire about scheduling a time when I can meet with you, during normal office hours and introducing you to our neighborhood.

You may contact me at any time.

Once again, please help us.

Thank you,
Frank Francese

cc Mike Ferguson -- Code Enforcer

(F)

Subject: Pollution problem on 5th and Belford Ave, Grand junction, CO
From: Frank Francese <frankingj@gmail.com>
Date: 6/4/2016 10:27 AM
To: dan.thurlow.house@state.co.us, ray.scott.senate@state.co.us

June 4, 2016
Frank Francese
527 Belford Ave
Grand Junction, CO 81501
970-245-5278
<frankingj@gmail.com>

Dear Rep. Dan Thurlow and Senator Ray Scott,
My name is Frank Francese. I am a resident and homeowner of Grand Junction and have my business, Francese Watercolors, in my home on Belford Ave. I would like to bring to your attention a health issue facing the residents of Belford are dealing with. I have been in contact with the Code Enforcer, Mike Ferguson: 970-549-5335 and Commissioner Scott McInnis: 970-244-1604 concerning this problem. Commissioner McInnis suggested I contact you folks. I will explain the problem :

A couple years ago Pink's BBQ opened across the street from my home on the corner of 5th and Belford. At that time they were using a small smoker to cook their meat. The smoke/exhaust from the cooker was tolerable, it was offensive but we lived with it. About two months ago, Pink's move in a huge commercial smoker and fired it up, they are cooking meat 24/7.

With the larger smoker, it produces a larger volume of smokeless exhaust. On calm days the smoke settles among our houses and invades every kook and cranny of my living area. There are times when the smoke is terrible and I can hardly breathe. Headaches, nausea, coughing are with me every 24/7.

I went over twice and told Pink's about the problem and asked them to help remedy the situation. They ignored all my requests to help the residents on Belford Ave handle their pollution. They have brushed all our concerns to the side, dismissing them as rubbish.

At that time I went to City Hall and inquired about whom I should contact concerning this problem. Gayleen Henderson was very helpful and gave me the contact information for Mike Ferguson-Code Enforcer for the city. I contacted Mike and he was very helpful. He involved the city Fire Dept and County Pollution Office. Mike has taken it as far as his authority will allow him, he told me that he has no authority to stop the pollution.

On May 18, 2016 at City Hall there was a liquor License Application meeting concerning Pinks application for a Liquor License. I attended the meeting and voiced all my objection to the three member panel, one of the members was the city attorney. I was told that all departments were working on solving the problem. I was told to keep alerting the Code Enforcer office of any more instances where the smoke invades my home.

On May 20, 2016 I flew into Indianapolis to work for a week and I returned home on May 27 around 5pm. I no sooner stepped out of the car when I was assaulted with a huge cloud of smokeless pollution from Pink's. All weekend the pollution was terrible. I kept calling Mr. Ferguson and alerting him to the problem.

June 1st I retired to bed around 9:30pm, read a little and went to sleep. At 11:18pm

I woke up coughing and noticed the house was full of Pink's smoke. I had made the mistake of opening my bedroom window about 6 inches so I could have some air movement in my home. All other windows and doors were closed. I staggered out of bed and turned on the swamp cooler to remove the as much smoke as possible from the home. Then I shut down the cooler and sealed up my home. Before I returned to bed I contacted Mike Ferguson office and alerted him to the problem. I then called the Police Dept regular number, not 911. The woman officer I spoke with was very helpful and directed me to contact Commissioner McInnis to see if he could help.

The following morning June 2, I contacted Commissioner McInnis and he said he would look into the matter. He contacted all the department heads in the County and told them to give him a report on the matter. Last night June 3, I received a call from Mr McInnis and he informed me that his office has no authority in this matter because the City has a Home Rule charter. That the county has no jurisdiction over the City. He stated I should contact both of you and see if you could help in this matter.

At this time I am so confused with all this. I believe you are my last hope in solving this problem. Hopefully you can help us, the residents of 5th Belford. We are all blue collar folks and cannot afford a civil suit against Pinks. We can barely make ends meet as it is. Our one joy was the use of our back yards for relaxation and entertainment in the evenings, now we no longer have that option. Years ago, in my Civic class, I learned that one of governments responsibilities was protecting their citizens from harm. Please help us in our time of need as we have no where else to turn.
Please help us!!

Thank you for your time and hopefully we can solve this matter. If you have questions please contact me or Mr Ferguson or Commissioner McInnes.
I look forward to hearing from you.

Frank Francese

PS I have taken pictures of the smoker and where it is located. If you want them please let me know and I will send them to you.

Thank you

Subject: Thank you
From: Frank Francese <frankingj@gmail.com>
Date: 6/16/2016 6:06 AM
To: dan.thurlow.house@state.co.us

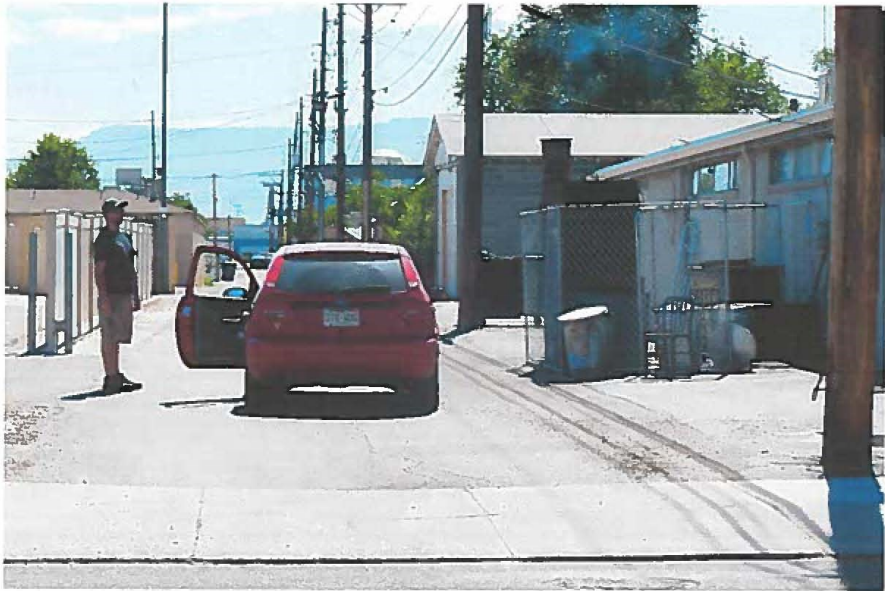
Rep. Thurlow,
I want to thank you for coming by yesterday! You do not know how good that made me feel!
Hopefully you can find some answers about this problem. How the city can allow this to happen is beyond me! Please contact me anytime.
If there is anything I can do for you, please call.
Once again, Thank You!
Frank Francese
PS Yesterday morning I finished my vote and mailed it by noon, I voted for you...and then you showed up on my doorstep...I am still amazed at that! Like it was meant to be.

Introduced for Extract!

9

Photo's taken on Father's Day June 19th 2016





H

TRAYLOR, BLACK & KANE, P.C.
Attorneys at Law

ROBERT S. TRAYLOR
PETER R. BLACK
WILLIAM M. KANE

rst@grandjunctionlaw.com

July 6, 2016

Code Enforcement
555 Ute Avenue
Grand Junction, CO 81501

City Manager
250 North 5th Street
Grand Junction, CO 81501

Re: Nuisance Complaint

Gentlemen:

On behalf of my client, Frank Francese, 527 Belford Avenue, Grand Junction, CO 81501, this is a nuisance complaint under City Code Chapter 8.08 of the Grand Junction City Ordinances. Pink's BBQ, located at 1014 North 5th Street, Grand Junction, CO 81501 is creating an offensive smell by use of a meat cooker located on the north side of the building in which the business is located. The odor is so overwhelming that Mr. Francese believes the air in the vicinity of his home is unhealthy and that it is certainly "disagreeable to the neighborhood." *Section 8.08-100(a) and (g), Grand Junction City Code.*


Pink's BBQ installed the cooker in April 2016 and, since that time, Mr. Francese and his neighbors have experienced unpleasant and overwhelming odors associated with the cooker. Mr. Francese has attempted to resolve the matter with Pink's BBQ, but after contacting management three times without satisfactory response from Pink's BBQ, he decided to register his complaints with the City of Grand Junction and Mesa County. Mr. Francese has already made a formal complaint to Mesa County Health. The problem is summarized in Mr. Francese's letter to the Liquor License Authority dated July 6, 2016 and enclosed herein.

Mr. Francese would appreciate your prompt investigation and enforcement.

Code Enforcement, City Manager
July 6, 2016
Page 2

Sincerely,

TRAYLOR, BLACK & KANE, P.C.


Robert Traylor

RST/rk

Enclosure

cc: Frank Francese
City Attorney

July, 6, 2016

Frank Francese
527 Belford Ave
Grand Junction, CO 81501
970-245-5278

Grand Junction Liquor Board Hearing for Pink's BBQ
Grand Junction City Hall
250 North 5th St
Grand junction, Co 81501

Dear Liquor Board Hearing

My name is Frank Francese and I reside at 527 Belford Ave in Grand Junction. I own the property and also have my business, Francese Watercolors, in my home. When I purchased the property 15 years ago I was told I could use it as a business if I live in the home at the same time. I purchased the property with the idea that when I retired I would have a studio to sell my work and conduct watercolor workshops to the public. For the last 15 years I travel 3 continents teaching watercolor painting. There were years I was gone for 30-35 weeks each year. I will have the home paid off this year and next year I will retire.

- We have a pollution/odor problem on Belford Ave. The odor problem is caused by Pinks BBQ meat smoker, located on the corner of 5th Belford Ave.
- The problem started on April 24, a Sunday, when they moved a commercial meat smoker on the property. Before they had used a smaller smoker, the exhaust from it was bad, but tolerable and we put up with the smell. Once the new smoker was up and running they started smoking meat 24/7. At night they would load it up and then leave. Leaving the neighborhood to deal with the smell and pollution.
- The smoke/odor from the exhaust is very nauseating, causing headaches and coating your sinuses with a fatty smell and taste. Some mornings there would be blood in my nasal discharge after a difficult evening of breathing the pollution/smell. On two different evenings I woke-up coughing and choking on the fumes and the odor was overwhelming!
- May 1, 2016, I contacted City Hall and was told to contact Code Enforcer, Mike Ferguson. I called and left a message. I even walked down to PD to see Mr Ferguson, I was told he would contact me. I received a call from Mr Ferguson and he stated he would look into the matter. Please look at the enclosed emails from Mr Ferguson and myself to understand the amount of communication between us.
- May 6, 2016 I returned home from the Art Center Auction around 9:15pm. I no sooner stepped out of car when I noticed the smell/odor, which was everywhere in my yard, once I opened my door to my house I found every room and all belongings were saturate with the odor. It was a miserable night with headaches, coughing etc. With each instance I would contact Code Enforcer and County Health. For the amount of complaints I filed there was less communications between myself and city and county officials.

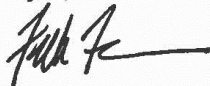
- After the May 6th complaint I started marking my calendar on days when the odor was present. My house is affected by the direction of the wind that carries the smell. Some days we were OK, only smelling it occasionally during the day. Then Pink's ramped up the cooking/smoking and from May 27- June 13, the smell was overwhelming. I was in Denver the evening of June 9. Each day and evening the smell continued to invade my home, my clothes, my carpet and my body. On some days I see where I marked were very bad almost to the point of choking on each breathe. I even tried to talk to Pink's about this. I walked over and asked for a manager and the man stated he was the manager. I stated the problem and his response was nill, nothing! He could care less about how his actions were affecting the neighborhood. I went over on two different occasions to try and reason with them and the last time the encounter escalated into a shouting match, that is when I walk off.
- The first week in June, with temperature hovering around 100*, the smoke and smell was so bad I had to shut all windows and doors and turn off my swamp cooler. It was after 5pm, so I called Code Enforcer and County Health and left a message. I then called the PD and talked to a really nice lady. I told her the problem and she suggested I contact a County Commissioner.
- June 2, 2016, I wrote a letter to Commissioner Mcfinnis explaining the problem. He phone me stating he would look into the matter. The next day, June 3rd, he phone me and said he could do nothing after learning all enforcement is with the city, it had something to do with their Charter. He suggested I contact Rep Dan Thurlow and Senator Ray Scott.
- So, on June 4th I email both Mr Thurlow and Mr. Scott. The evening of June 15 there was a knock on my door and when I opened it, Rep Dan Thurlow was on my doorstep. Needless to say, I shocked that he would stop by. I explained the problem and he said he would look into the matter.
- June 13, I hired a lawyer, Robert Traylor, to help me with this mess. He contacted a City Council member and was told that any business discharging burning exhaust has to have a state pollution permit. He email the state and found that Pink's BBQ had no permit.
- I contact Melissa Salter at County Pollution Dept and filed a complaint. I was contacted by Monice Mull and she set up a meeting, June 14th, to hear the complain. Mr Traylor and I attended the meeting and I stated my complaint. We were told they would look into the matter. I even offer them my property to set up any pollution monitors to record the levels of pollution. To this day I have not heard back from them.
- After the meeting, I checked with my neighbors to see if they have been experiencing any smell problems. I found two homeowners with the same problem and mentioned they should write to County Pollution board with their complaints. The two homeowners have written their letters and sent them to Melissa Salter.
They are:
 - Andy Fotopulos: 926 N. 5ht St, Grand Junction, CO 81501
 - Scott Stoaks: 557 Belford Ave, Grand Junction, CO 81501
- This last weekend, July 2 and July 5th the cooking/smoking has continued, on Saturday June 2, I called Code Enforcer and County Health, again I got no response to my complaint.

I attended the May 18, 2016 meeting, at City Hall, for Pink's BBQ application for a Liquor License. I voice my objection to the application and told the board of my struggles with the pollution/odor problem. The residents and homeowners are objecting to the application for the following reasons:

- The smell and odor the cooking of the meat is affecting the health and well being of all residents on 5th and Belford.
- We are concerned how this will affect the value of our property when we sell.
- Liquor brings in crime, drugs and deviant behavior from the people visiting Pink's if they are given the application.
- A few years ago we had a liquor establishment on the corner of 5th and North Ave. It brought into the neighborhood all kinds of problems for us to deal with.
- I had to build a \$8000 security fence around my property to keep the drunks out, as they used my lawn for their antics. I would return home and find empty beer and whiskey bottles, used condoms, women panties, and used hypodermic needles, some still containing drugs. I even had a drunk fall through my bedroom window screen, late one summer evening. He cussed me for hindering his progress to get home!
- I submitted a petition to the City Clerk Office signed by myself and four other residents in objection to Pink's Application for a Liquor Licence.
- I am also concerned with parking as the patrons of Pink's will use my business parking in front of my home, leaving my patron's with no place to park while visiting my business.
- I am fighting for my home, my business and lastly, my health. I have experienced headaches, sinus discharge with blood, and a nauseating feelings in my stomach from the smoke. The smoke is colorless once it leaves the smoker and the only way to detect it is by smelling it. Please look at the pictures I have provided to see the discharge from the smoker.
- I will have to vacate my home if this pollution is not stopped. I will loose 15 years of work and my dream of a good retirement.

Please help us in our struggle for clean air.

Thank you,



Frank Francese

MEMO: Local Licensing Authority

FROM: Juanita Peterson, Deputy City Clerk

DATE: May 9, 2016

SUBJECT: Application for a new hotel and restaurant liquor license by Pinks BBQ LLC dba Pink's BBQ, 1012 and 1014 N. 5th Street, Grand Junction, CO 81501

Pink's BBQ, LLC filed an application with the Local Licensing Authority on April 19, 2016 for a new hotel and restaurant liquor license permitting sales of malt, vinous, and spirituous liquors by the drink for consumption on the premises at 1012 and 1014 N. 5th Street under the trade name of Pink's BBQ. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for May 18, 2016. The Notice of Hearing will be given by posting a sign on the property on or before noon on May 4, 2016 and by publishing a display ad in the Daily Sentinel on May 4, 2016.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Orchard Avenue, Grand Avenue on the South, 12th Street on the East, and 1st Street on the West and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check, the **YES** column if you **SUPPORT** this type of license being issued because the existing outlets do not adequately serve the reasonable requirements of the designated area or check the **NO** column if you **OPPOSE** this type of license being issued because the existing outlets adequately serve the reasonable requirements of the designated area.

Business Results:	FAVOR:	68
	OPPOSE:	0

Residential Results:	FAVOR:	51
	OPPOSE:	0

There were 6 responses that were disqualified for the following reasons: 1 address was listed outside the survey area and 5 listed no address.

No letters of opposition or counterpetitions have been filed to date.

The Grand Junction Police Department will be investigating the owner for local criminal history and verifying that the Notice of Hearing was posted in a timely manner and that the diagram matches the establishment. The fingerprints were forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, the Grand Junction Sales Tax Department, and Mesa County Health Department.

The number of liquor licensed outlets in the survey area are:

Hotel and Restaurant = 4 (Old Chicago, Bocaza Mexican Grille, Fiesta Guadalajara, and El Tapatio)

Tavern = 1 (Volley's)

Arts = 1 (Western Colorado Center for Arts)

Retail Liquor Store = 1 (North Avenue Liquor)

3.2% Beer (Off Premises) = 1 (Loco Food Mart #12)

3.2% Beer (On Premises) = 1 (Pizza Hut #250)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Meghan Woodland, Grand Junction Police Department
File