Grand Junction, Colorado

June 21, 1978

ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session on Wednesday, June 21, 1978, at 7:30 p.m. in the Council Chambers at City Hall. Council members present: Larry Brown, Robert Holmes, Larry Kozisek, Bill O'Dwyer, and Elvin Tufly. Councilwoman Quimby and President of the Council Karl Johnson were absent. Also present were City Attorney Gerald Ashby and Deputy City Clerk Teddy Martinez. City Manager Jim Wysocki was absent.

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that Elvin Tufly chair tonight's meeting in the absence of President of the Council Karl Johnson and President Pro-Tem Jane Quimby. Motion carried.

MINUTES

It was moved by Councilman Brown and seconded by Councilman Kozisek that the approval of the minutes of the regular meeting June 7, 1978, be deferred to the next regular meeting of Council (July 5, 1978).

ACCEPT RESIGNATION OF BERNARD A. BUESCHER FROM BOARD OF ADJUSTMENT AND APPEALS AND REQUEST NAMES TO FILL POSITION (TO SERVE UNTIL MARCH, 1981)

The resignation of Bernard A. Buescher from the Board of Adjustment and Appeals was announced. Acting President of the Council Elvin Tufly requested names to fill said position.

LIQUOR - APPLICATION FOR RENEWAL OF TAVERN LIQUOR LICENSE - ROBERT J. STACK DBA THE NIGHT GALLERY, 1900 MAIN STREET

Submitted for consideration was the application by Robert J. Stack dba The Night Gallery, 1900 Main Street, to renew a tavern liquor license. A report from the Police Department advised there have been no reported violations concerning the sale of liquor by this establishment during the past licensing period. The Fire Department advised that all safety conditions were being met by the establishment. The Health Department gave its approval.

It was moved by Councilman Kozisek and seconded by Councilman Brown that the application be approved and the license issued when the State license has been received. Motion carried with Councilman HOLMES voting NO.

BEER - APPLICATION FOR RENEWAL OF 3.2% FERMENTED MALT BEVERAGE LICENSE - ROY L. REYNOLDS, SR., DBA LINCOLN PARK GOLF CLUB, LINCOLN PARK

Submitted for consideration was the application by Roy L. Reynolds, Sr., dba Lincoln Park Golf Club, Lincoln Park, to renew his 3.2% fermented malt beverage license. A report from the Police Department advised there have been no complaints or incidents concerning the sale or consumption of 3.2 beer during the past licensing period. The Health Department gave its approval of the license. The Fire Department report listed the following safety requirements that need attention:

- (1) The solid core doors leading into and from the shop, have not been provided. Plans are to do this when the new addition for Golf Cart storage is provided;
- (2) The old Soda/Acid fire extinguisher has not been removed and new extinguisher provided. These must be provided as soon as possible;
- (3) The front and rear exit doors have not been rehung to swing outward, which will require the occupant load to remain under 50.

It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that staff be directed to check into this situation and make corrections, and the application be approved and the license be issued when the above Items No. 2 and 3 listed by the Fire Department have been corrected. Motion carried with Councilman HOLMES voting NO.

LIQUOR - APPLICATION FOR RENEWAL OF HOTEL-RESTAURANT LIQUOR LICENSE - RAYMOND EARL STEVENSON DBA JUNCT'N SQUARE, 119 NORTH 7TH STREET

Submitted for consideration was the application by Raymond Earl Stevenson dba Junct'n Square, to renew his hotel-restaurant liquor license. A report from the Police Department indicated there have been no complaints or incidents concerning the sale of liquor during the past licensing period. The Fire Department report indicated the structure meets the Life Safety requirements. The Health Department approves the renewal application.

It was moved by Councilman Brown and seconded by Councilman Kozisek that the application be approved and the license issued when the State license has been received. Motion carried with Councilman HOLMES voting NO.

RESOLUTION OF FINDINGS AND DECISION ON APPLICATION BY MEL MULDER AND HINE QUARTER, INC. FOR TAVERN LIQUOR LICENSE AT CORK 'N EMBERS, 105 NORTH 2ND STREET

The following Resolution was presented and read:

RESOLUTION

OF DECISION ON APPLICATION FOR TAVERN LICENSE BY MEL MULDER AND

HINE-QUARTER, INC. AT CORK N' EMBERS, 105 NORTH SECOND STREET

A public hearing having been held on June 7, 1978, on the application of Mel Mulder and Hine-Quarter, Inc. for a Tavern Liquor License for the premises at 105 North Second Street in the City of Grand Junction, and the City Council having considered the evidence adduced at said hearing:

FINDS:

- 1. That the hearing was duly held after proper notice under the Liquor Code.
- 2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 187 persons so stated while 29 felt the needs were being met by other outlets.
- 3. That no one appeared at the hearing in opposition to the granting of the license and no petitions or letters of disapproval were received by the City Council.
- 4. That the character of the applicant, as determined through an individual check on Mr. Mulder and the officers of the corporation, by the Police Department, is good.
- 5. That the evidence supports the position that the needs of the neighborhood are not being met by other outlets of the same type and the position that the desires of the inhabitants of the neighborhood are that the license issue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That a Tavern Liquor License issue to Mel Mulder and Hine-Quarter, Inc. for the Cork N' Embers at 105 North Second Street, Grand Junction, Colorado.

PASSED and ADOPTED this 21st day of June, 1978.

Acting President of the Council

Attest:

Deputy City Clerk

It was moved by Councilman Brown and seconded by Councilman Kozisek that the Resolution be adopted to grant the change to a tavern liquor license and that automatically by the second Council

meeting in August (August 16, 1978) that if all the violations and problems found by the various agencies have not been corrected and completed, that this license be brought to Council for hearing by the August 16 Council meeting. Upon roll call Council members KOZISEK, BROWN and TUFLY voted AYE. Council members HOLMES and O'DWYER voted NO. The Acting President declared the motion carried and the Resolution duly passed and adopted.

RESOLUTION OF FINDINGS AND DECISION ON CONDITIONAL USE AND APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE BY FEED LOT, INC. DBA T-BONE RESTAURANT & LOUNGE, 120 NORTH 7TH STREET - APPROVED

The following Resolution was presented and read:

RESOLUTION

OF DECISION ON APPLICATION OF FEEDLOT, INC. FOR A HOTEL-RESTAURANT LIQUOR LICENSE AND CONDITIONAL USE FOR THE T-BONE RESTAURANT AND LOUNGE AT 120 NORTH SEVENTH STREET

A public hearing was held on June 7, 1978, on the application of Feedlot, Inc. for a Hotel and Restaurant Liquor License and conditional use for the T-Bone Restaurant and Lounge at 120 North Seventh Street in the City of Grand Junction, and the City Council having considered the evidence presented at the hearing;

FINDS:

- 1. That the hearing was duly held after proper notice thereof under the Liquor Code.
- 2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 362 persons so stated while 112 felt the needs were being met by the other outlets.
- 3. That no one appeared at the hearing in opposition to the granting of the license and no petitions or letters of disapproval were received by the City Council.
- 4. That the character of the applicant, as determined through a check of the fitness of the officers of the corporation by the Police Department, is good.
- 5. On the question of the conditional use of the property for a restaurant serving liquor, such use was approved by the Grand Junction Planning Commission, by the planning staff and the engineering department of the City, and any requirements that were made concerning the site and its use have been met by the proposal and the policies of the City.
- 6. That the evidence supports the position that the needs of the neighborhood are not being met by other outlets of the same type

and the position that the desires of the inhabitants of the neighborhood are that the license issue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That a Hotel and Restaurant Liquor License issue to Feedlot, Inc. for the T-Bone Restaurant and Lounge at 120 North Seventh Street, Grand Junction, Colorado; and the conditional use of the premises for a liquor license outlet is also approved.

PASSED and ADOPTED this 21st day of June, 1978.

Acting President of the Council

Attest:

Deputy City Clerk

It was moved by Councilman Brown and seconded by Councilman Kozisek that the Resolution be passed and adopted. Upon roll call Council members KOZISEK, BROWN and TUFLY voted AYE. Council members O'DWYER and HOLMES voted NO. The Acting President declared the motion carried and the Resolution duly passed and adopted.

HEARING - COLORADO WEST PROPERTIES REQUEST TO EXTENT 6" INTO CITY R-O-W WITH BRICK FACADE, NE CORNER OF 7TH STREET AND TELLER AVENUE - RESOLUTION - REVOCABLE PERMIT

Karl Metzner stated the request is for the building that is better known as Burkins Better Buys. Mr. Metzner outlined the area in question. A hearing was held after proper notice. There was on one in the audience who indicated a desire to speak, and no letters had been filed.

The following Resolution was presented and read:

RESOLUTION

WHEREAS, Colorado West Properties has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the extension of a brick facade 6 inches into City right of way abutting Lots 1 to 3, inclusive, Block 18, City of Grand Junction; and

WHEREAS, such action has heretofore been approved by City Planning Commission and City Engineer and would not be detrimental to the interest of the inhabitants of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

GRAND JUNCTION, COLORADO:

That the City Manager, on behalf of the City and as the act of the City, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement to save and hold the City harmless from any claims arising out of the encroachment and use granted, and execution by the petitioner of an agreement that upon the revocation of such Permit, the petitioner will remove said encroachment at its own expense, restoring the right of way to its original condition.

PASSED and ADOPTED this 21st day of June, 1978.

Acting President of the Council

Attest:

Deputy City Clerk

REVOCABLE PERMIT

WHEREAS, Colorado West Properties has petitioned the City Council of the City of Grand Junction, Colorado for a Revocable Permit to allow encroachment of a brick facade six (6) inches into City right of way abutting Lots 1 and 3, inclusive, Blk. 18, City of Grand Junction; and

WHEREAS, the City Planning Commission and City Engineer have approved such action, and the City Council is of the opinion that such would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the Colorado West Properties a Revocable Permit to encroach upon the City right of way for the purposes above stated; provided, however, that said Permit may be revoked by the City Council at its pleasure at any time; provided, further, that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and provided further that said petitioner shall agree that upon the revocation of such Permit, it will, at its own expense, remove said encroachment restore the right of way to its original condition.

Dated	this	day of	, 1978

James E. Wysocki, City Manager Attest:

Neva B. Lockhart, City Clerk

It was moved by Councilman Kozisek and seconded by Councilman Brown that the Resolution be passed and adopted as read. Upon roll call all Council members present voted AYE. The Acting President declared the motion carried and the Resolution duly passed and adopted.

HEARING - PRELIMINARY PLAN FOR 6&50 WEST SUBDIVISION, BETWEEN CROSBY AVENUE AND U.S. HWY 50, 300 FEET N OF WEST OURAY AVENUE (20-ACRE COMMERCIAL SUBDIVISION)

The area in question was outlined by Karl Metzner, A hearing was held after proper notice. Mr. Loran Dake, representing the petitioners, Ex Caliber Enterprises, Inc., was present and spoke to Council. There were no others in the audience who indicated a desire to speak and no letters were filed.

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the Preliminary Plan for 6 & 50 West Subdivision be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - FINAL PLAT OF BELL RIDGE SUBDIVISION FILING NO. 2, NW OF RIDGE AVENUE AND 27 1/2 ROAD (13-LOT SINGLE-FAMILY SUBDIVISION)

Mr. Metzner outlined the area in question. A hearing was held after proper notice. Mr. Mike Smith, 760 Horizon Drive, representing C. E. McGuire Engineers, appeared before Council. There were no others in the audience who indicated a desire to speak, and there were no letters filed.

It was moved by Councilman O'Dwyer and seconded by Councilman Brown that the Final Plat of Bell Ridge Subdivision Filing No. 2, be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - FINAL PLAT OF IRELAND MINOR SUBDIVISION, SE CORNER OF 28 1/2 ROAD AND ELM AVENUE (2-LOT SINGLE-FAMILY SUBDIVISION)

The area in question was outlined by Karl Metzner. A hearing was held after proper notice. There was no one in the audience who indicated a desire to speak, and there were no letters filed.

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the Final Plat of Ireland Minor Subdivision be

approved subject to the justification of the Public Service easement requested in the plat. Motion carried.

It was moved by Councilman Kozisek and seconded by Councilman Brown that Council direct staff to research with Public Service Co. the reason, bases, and criteria for determining all amounts of easements and report back to Council. Motion carried.

HEARING - FINAL PLAT OF BILLINGS MINOR SUBDIVISION, BETWEEN HOLLY LANE AND 27 3/8 ROAD, 720 FEET S OF UNAWEEP AVENUE (2-LOT SINGLE-FAMILY SUBDIVISION)

Mr. Metzner reviewed the area in question. A hearing was held after proper notice. The petitioner was present. There was no one in the audience who indicated a desire to speak, and no letters were filed.

It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that the Final Plat of Billings Minor Subdivision be approved subject to the conditions of the Planning Commission. Motion carried.

HEARING - PD-B THE WILLIAM BUILDING - PRELIMINARY PLAN, NE CORNER OF 11TH STREET AND BELFORD AVENUE (DEVELOPMENT PLAN FOR AN OFFICE)

The area was reviewed by Karl Metzner. A hearing was held after proper notice. Mr. Tom Logue, Paragon Engineers, was present representing the petitioner. Retail uses was questioned. There were no others in the audience who indicated a desire to speak and no letters were filed.

It was moved by Councilman Brown and seconded by Councilman Kozisek that the Preliminary Plan for PD-B The William Building be approved subject to the conditions of Planning Commission. Motion carried with Councilman HOLMES voting NO.

HEARING - REZONE FROM R-1-B TO PD-B AND PRELIMINARY PLAN FOR DENTAL OFFICE NW CORNER OF 1ST STREET AND LOREY DRIVE - PROPOSED ORDINANCE

The area was reviewed by Karl Metzner. A hearing was held after proper notice. Dr. David Summers, petitioner, Mr. Max Krey, 2015 Overlook Drive, and Mr. Hanning were present and appeared before Council. There were no others in the audience who indicated a desire to speak, and no letters were filed.

The following entitled proposed ordinance was introduced and read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION BY CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY. It was moved by Councilman Brown and seconded by Councilman Kozisek that the proposed ordinance be passed for publication. Motion carried with Councilman HOLMES voting NO.

It was moved by Councilman Kozisek and seconded by Councilman Brown that the Preliminary Plan for the dental office be approved subject to the conditions of the Planning Commission and requiring a power of attorney for street improvements. Motion carried with Councilman HOLMES voting NO.

HEARING - FINAL PLAT REDWING SUBDIVISION (R-2 COUNTY TRANSITIONAL)
S SIDE OF F ROAD, 990 FEET E OF 29 ROAD (16-LOT SINGLE-FAMILY SUBDIVISION)

Karl Metzner reviewed the area in question. A hearing was held after proper notice. There was no one in the audience who indicated a desire to speak and no letters were filed.

It was moved by Councilman Brown and seconded by Councilman Kozisek that the Final Plat of Redwing Subdivision (R-2 County Transitional) be approved. Motion carried.

HEARING - NAME CHANGE TO SUBDIVISION FROM "MONUMENT VIEW SUBDIVISION" TO "MONUMENT VIEW ESTATES SUBDIVISION" - RESOLUTION

The following Resolution was presented and read:

RESOLUTION

CHANGING THE NAME OF A SUBDIVISION IN THE CITY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Monument View Subdivision recorded in Plat Book 12 at Page 30 of the records of the Mesa County, Colorado, Clerk and Recorder by changed in name to Monument View Estates Subdivision and that a copy of this Resolution, properly certified, be recorded to indicate such change in name.

PASSED and ADOPTED this 21st day of June, 1978.

Acting President of the Council

Attest:

Deputy City Clerk

It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the Resolution be passed and adopted as read. Upon roll call all Council members present voted AYE. The Acting President declared the motion carried and the Resolution duly passed and adopted.

ORDINANCE NO. 1751 - I.D. ST-77 ASSESSMENTS

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-77, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED, APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS. It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman O'Dwyer and seconded by Councilman Brown that the proposed ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. There being no comments, it was moved by Councilman Brown and seconded by Councilman Kozisek that the Ordinance be passed, adopted, numbered 1751, and ordered published. Upon roll call all Council members present voted AYE. The Acting President declared the motion carried.

ORDINANCE NO. 1752 - VACATING PORTION OF ROAD R-O-W ALONG CANAL, 279 CEDAR STREET

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING A PORTION OF RIGHT OF WAY ALONG CANAL. It was moved by Councilman Brown and seconded by Councilman O'Dwyer that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Kozisek and seconded by Councilman O'Dwyer that the proposed ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. There being no comments, it was moved by Councilman Holmes and seconded by Councilman Kozisek that the Ordinance be passed, adopted, numbered 1752, and ordered published. Upon roll call all Council members present voted AYE. The Acting President declared the motion carried.

RESOLUTION AUTHORIZING SIGNING OF SAM ANTONOPOULOS DEED

The following Resolution was presented and read:

RESOLUTION

AUTHORIZING THE SIGNING OF ANTONOPOULOS DEED.

WHEREAS, the City Council of the City of Grand Junction has heretofore agreed to convey property situate in the City of Grand

Junction, Mesa County, Colorado, and described as:

Lots 17, 18, 19, and the East Half of Lot 20 in Block 99, CITY OF GRAND JUNCTION,

to Sam J. Antonopoulos and Kay S. Antonopoulos and now needs authorization for execution of the deed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That James E. Wysocki, the City Manager of the City of Grand Junction, be authorized and directed to execute on behalf of the City and as the act of the City Warranty Deed to Sam J. Antonopoulos and Kay S. Antonopoulos conveying the property above described.

PASSED and ADOPTED this 21st day of June, 1978.

Acting President of the Council

Attest:

Deputy City Clerk

It was moved by Councilman Brown and seconded by Councilman Kozisek that the Resolution be passed and adopted as read. Upon roll call all Council members present voted AYE. The Acting President declared the motion carried and the Resolution duly passed and adopted.

ROBERT VAN HOUTEN (PAST COUNCILMAN) - UTILITIES EASEMENTS

Mr. Robert Van Houten spoke to Council concerning the manner in which utility easements are requested by the utility companies. he felt it was something that needed to be looked at closely, and concurred with Council in feeling that the basis for these easements need to be clarified.

APPROVAL OF BEER AND LIQUOR APPLICATIONS

Councilman Brown stated that a couple of years ago a problem existed with the various agencies such as Police Department, Fire Department, and Health Department giving approval or recommending approval that beer and liquor licenses be approved. The problem is coming up again. He felt it is the responsibility of the various departments to inspect, and state any problems and how critical the problems may be. He was concerned that one day the City may be taken to court by someone who uses an agency's recommendation of approval against the City.

It was moved by Councilman Brown and seconded by Councilman Kozisek that the City Attorney be instructed to write a letter to each of the various agencies stating that they are not to make any recommendations, but state the facts and express concerns only. Motion carried.

ORDINANCE NO. 1753 - VACATION OF EASEMENT IN MOTOR CITY SUBDIVISION

The Proof of Publication to the following entitled proposed ordinance was presented: AN ORDINANCE VACATING AN EASEMENT IN MOTOR CITY SUBDIVISION. It was moved by Councilman Brown and seconded by Councilman Kozisek that the Proof of Publication be accepted for filing. Motion carried.

It was moved by Councilman Kozisek and seconded by Councilman Brown that the proposed ordinance be called up for final passage and read. Motion carried.

The Ordinance was read. There being no comments, it was moved by Councilman Holmes and seconded by Councilman Kozisek that the Ordinance be passed, adopted, numbered 1753, and ordered published. Upon roll call all Council members present voted AYE. The acting President declared the motion carried.

ADJOURNMENT

It was moved by Councilman Kozisek and duly seconded that the meeting be adjourned. Motion carried.

Teddy Martinez

Teddy Martinez Deputy City Clerk

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CHANGING THE NAME OF A SUBDIVISION IN THE CITY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Monument View Subdivision recorded in Plat Book
12 at Page 30 of the records of the Mesa County, Colorado, Clerk
and Recorder be changed in name to Monument View Estates Subdivision and that a copy of this Resolution, properly certified,
be recorded to indicate such change in name.

PASSED and ADOPTED this 21st day of June, 1978.

Actuse I martine,
Deputy City Clerk

Acting President of the Council

STATE OF COLORADO

COUNTY OF MESA) s

CITY OF GRAND JUNCTION)

I, THERESA F. MARTINEZ, Deputy City Clerk of the City of Grand Junction, County of Mesa, State of Colorado, do hereby certify that the foregoing Resolution was read, passed and adopted by unanimous vote of the City Council at its regular meeting June 21, 1978.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 22 day of June, 1978.

Deputy City Cherk

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County of MESA ss I hereby certify that this instrument was

at 1978

at 1978

In Book Page 523

EARL SAWYER, County Clerk & Recorder

By Fare Carry

250 n Sale 200 12.30